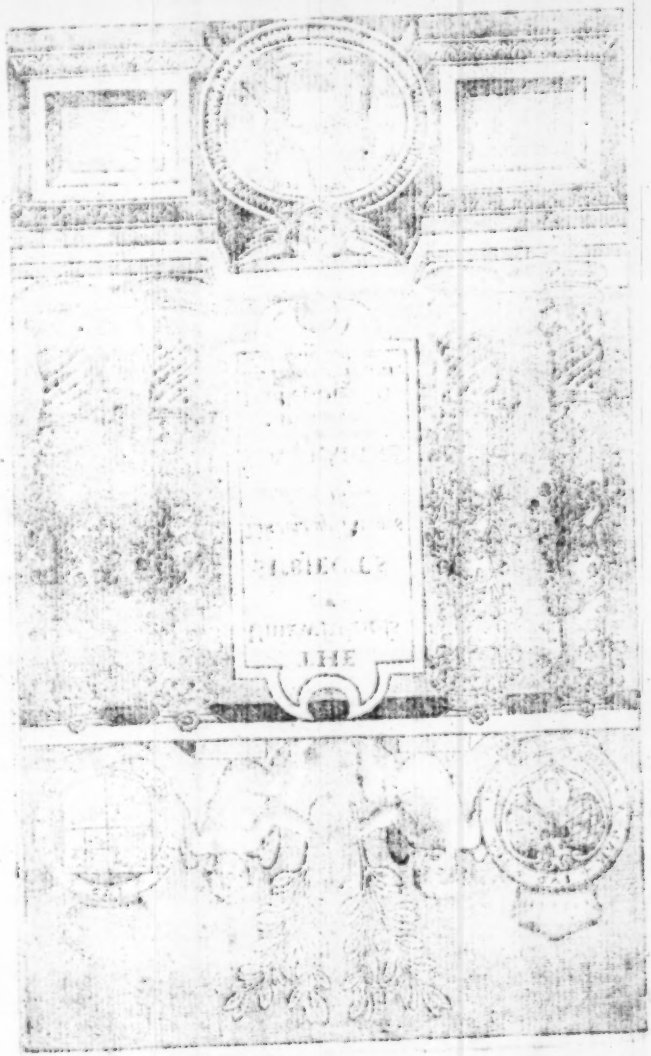
5
2.6
(1)
14

THE
Unlawfulnes
OF
SUBJECTS
Takeing up Armes
against their
SOVERAIGNE
in ~~what Case soever~~
Written by
Dudley Diggs G.
late Fellow of All-Soules
Colledge in Oxford



14.

THE VNLAWFVLNESSE OF SUBJECTS Taking up Armes against THEIR SOVERAIGNE, in what case soever.

TOGETHER

With an Answer to all Objections scattered in their severall Bookes.

And a proofe

That notwithstanding such resistance as they plead for, were not damnable, yet the present Warre made upon the KING is so, because those cases, in which onely some men have dared to excuse it, are evidently not now; His Majesty fighting onely to preserve Himselfe, and the Rights of the Subjects

WRITTEN

By *DVDLEY DIGGS, Gentleman: late Fellow of* All-Soules Colledge in Oxford.

Printed in the Yeare of our LORD, 1647.

Since the 25. day of March.

THE CONTENTS.

THE cause upon which men are misled to a desire of Innovation. Pag. 1.

Quisque nascitur Liber, how to be understood. p. 2

The evils which flow from want of government. 3.

The remedy of those evills, civill unity. 4.

Native right restrained by positive obligation. 5.

Prudentiall motives for parting with some rights of Nature without power to resume them. 6.

The foundation upon which States are setled overthrowne; if the people be made judges of their safety and allowed to use any meanes which they fancy conducing thereto. 7.

Liberty to resist governours destructive to the very nature of government, ibid.

The difference betweene not obeying against law, and hostile resistance to a Soveraigne, 10.

Active obedience against Gods law, sinne, ibid. with objections to the contrary. ibid.

Answer to the former objections. 11.

No inconveniencies from this doctrine rightly stated, God to be obeyed rather then man. 13.

Difference betweene law of Nature and right of Nature. 14.

The Kings cause justified by the adversaries scheame of Government ibid.

Different judgement of the best forme of government ofttimes the cause of sedition. 16 & 17.

How the people are misled to rebellion. 18.

Fallacy of unequall comparison between Monarchy and Aristocracy; whereas greater hopes in Monarchy; and greater feares in an Aristocracy, 19 & 20.

The Kings interest the same with the peoples; that of Nobles divided from their happinesse, ibid.

The happinesse of Monarchy. ibid.

The miseries of Aristocracy. 21.

The diseases of a Senate more violent then of a Monarchy. 22.

Easie remedies for a sick Monarchy, the diseases of a Senate incurable. 23.

The miseries of a Kingdome when a child governs, an argument for Monarchy. ibid.

A popular forme of government the worst. 24.

The objection of greater liberty flowing from a popular forme of government, answered. 25.

Equality in a Common wealth condemned, which they urge, flowing from

the popular forme of government, comes nearer to the Law of Nature, 26.
Non-resistance to the supreame power, essentiall to the preservation of order, 32.
The King is Dei Minister, *not the peoples servant, not their creature.* 33.
The King Gods representative, as well as the peoples. 34.
Power over the life of Man, from God onely, not from the people. ibid.
Gods owne people (the Israelites) bound not to resist the supream Magistrate, therefore non-resistance no absurd Constitution. 37.
A necessity to grant impunity to some in all governments to avoyd confusion. 38.
Conclusions out of the old Testament for non-resistance. 40.
The duty of non-resistance enjoyned by Christ in the Gospel. 41.
The Jewes more excusable in case of rebellion. ibid.
The case of Resistance enforced with greatest advantages, yet condemned. 43.
Pharaphrase upon part of the 13th. *of the Romans.* 45.
Lawfull to resist inferiour Magistrates if they oppose the supreame. 47.
God is to be reckoned on the Kings side, who will over-ballance their greatest forces. 49.
The duty of Non-resistance proved by the most innocent ages of the Church. 50.
Private revenge unlawfull. 52.
No want of ability the cause of the patience of primitive Christians. 56.
Very necessary it is to know the Subject of supremacy 59.
The Kings supremacy witnessed by oath. 60.
The King hath paternall powers from consent of the people. 61
The King hath a greater power by Gods grant, then the people could bestow upon him. 62.
That the Originall of Power is not in the people, demonstrated. ibid. & deinceps.
Arguments brought against the King, conclude as much for the people against the Parliament. 64.
The Kings supremacy further proved. 65.
The true meaning of that which is called a mixt Monarchy. 66.
Representative Body is not the People to all purposes. ibid.
Difference betweene arbitrary rule and government restrained by law, notwithstanding hostile resistance unlawfull, though in case of violation. 69.
The Kings supremacy proved out of Bracton. 74. *and from the Nature of all his subjects tenures.* 80.
Liege Lord (which is the King) bound to some duties, but not under paine of forfeiture as Liege men (which are the subjects) are. 32.
Jib. Gracchus his seditions practises th

the patern which the disturbers of our Kingdome imitate. 90. & 91.
Tyrrannicall abuse of Power doth not make the taking up of Armes against the supream governour lawfull. 97.
Tyrant is in some sence opposed to King, in some sence not. 100.
An answer to the Examples brought out of the Old Testament for breach of duty. 104. & 105.
An Answer to those Exceptions made by some why the Primitive Christians did not resist. 106. 107. 112. 113.
An Answer to the Objection which sayes that there is a mutuall compact between King and People, and if hee breake the Covenant, that they are freed from subjection. 111.
An Answer to this Exception. If a King, exercising Tyranny over his people may not be resisted, he and his followers may destroy the Kingdome. 119.
An Answere to this Exception. Wee are bound by the naturall duty wee owe to our Country to be active in restoring it to happinesse by removing such a curse from the Land. ibid.
An Answer to this Exception. Selfe preservation is justifiable by the law of Nature.
An Answer to this Objection, Wee are not bound to love our Neighbour better then our selves, therefore we may may rather kill then be killed. 222.
An Answer to this Exception. It is lawfull to resist in Gods behalfe, and to preserve the true Religion, &c. 123.
An Answer to this Exception. Inferiour Magistrates may force him who hath supreame power to rule according to Justice and established Lawes. 127.
An Answer to this Exception. If a King command against Lawes, and inferiour Magistrates according to Law, they ought to be obeyed. 128.
An Answer to an Exception made by Mr. Bridge, *in his Booke entituled* Wounded Conscience. *pag. 6. Concerning the Authority of the Parliament.* 129.
An Answer to this Exception, Warre against the Person of the King is not resistance of the higher Power, but warre against his Authority onely. 131.
An Answer to an Exception made out of the 13th. *of the Romans,* For Rulers are not a terrour to good workes, &c. 134. 135.
An Answer to this Exception. There is a mixture and coordination in the supremacy, and the English Monarchy *is compounded of three coordinate Estates.* 138.
An Answer to this Exception. The King though Hee be singulis major, *yet Hee is* Universis minor. 146.
An Answer to this Objection. There

must bee a Parliament somewhere, for it cannot bee dissolved without their consent, which is not yet past, but it is not at Oxford, *nor no other place,* London *excepted, therefore it is there, and consequently the* Houses *are the Parliament without the King, or else his authority is in their Votes.* 147.

An Answer to this Objection, The whole Kingdome is greater then the King. 148.

The Parliament represent the People onely to some purposes. 153.

This Warre offensive on the Subjects parts. 154.

The pretext *of our Warre.* 159.

The Reall cause *of the Warre.* ibid.

The miseries which will follow this Warre, if continued. 169.

THE

The unlawfulneſſe of Subjects taking up Armes againſt their *Soveraigne*, in what caſe ſoever.

§. 1.

HE that will endeavour to make the yoke of government more eaſie, by ſetting a people looſe from the reſtraints of poſitive lawes, upon pretence, they may juſtly uſe their native liberty, and reſume their originall power, if civill conſtitutions, which were agreed upon for their good, be not effectuall to that end, but prove diſadvantageous to them, ſhall be ſure to meet with many favourable Readers. Becauſe the greater part of mankinde, as in other matters, ſo in this preſent caſe, are eaſily prevailed upon, to make a truce with conſcience, and eagerly to proſecute what appeares moſt profitable. And the chiefeſt cauſe of our miſeries is, that they do not rightly apprehend what is truly advantageous. For States are framed upon a ſiniſter opinion of men, they ſuppoſe moſt (as it doth commonly fall out) will be diſhoneſt, yet if they be not unwiſe, and ſuffer themſelves to be carried on, as againſt conſcience, ſo againſt intereſt alſo, a Kingdom cannot want plentifull means of ſubſiſting, of flouriſhing. The ground of theſe unhappy miſtakes, (which makes them advance publick ruine, wherein all ſingle men will bee loſt, while they are vainely encouraged by deceiving hopes of being private gainers) can bee no other

The cauſe upon which men are miſled to a deſire of Innovation.

but this. They rule their actions and desires but by one syllogisme, and looke upon the immediate consequence, which is a satisfaction of some particular ends, and serving some present turne, and have not ordinarily so much depth of understanding, as to be able to discerne the future evils, which will inevitably spring from the same fountaine. They are not capable of that good counsell of *Polybius*, *Non tantùm præsentia spectare, sed & futura prospicere, & quis exitus inde futurus sit.* The bait onely is visible to most, and accordingly the reall goods which are promised by innovation (for no government being free from all evill, therefore every proposall of change is easily baited with some good) are entertained with delight, but once unwarily swallowed, they become hookes in the entralls. It happens to most men, that they behold the children (as of their bodies, so) of their opinions; but the grandchildren of their tenents:

—— *Caliginosâ nocte premit Deus,*

Nepotes discursus, The further removed consequences (though allyed in a right line) they have not strength of reason to discover.

Quisque nascitur liber, i. fals because all are subject by nature to paternal power, and consequently to the supream Magistrate, to whom divine law confirmes the severall powers which Fathers resigned up, 2. If true, it concludes not for them, because our naturall liberty is restrained by consent.

To instance in two maine principles, by which the seduced multitude hath beene tempted to catch at empty happinesse, and thereby have pulled upon themselves misery and destruction.

The first is a doctrine craftily instill'd into the mindes of the people; upon no other foundation then a mistake, in the meaning of true and profitable liberty, that the law of Nature doth justifie any attempts to shake off those bonds imposed upon them by Superiours, if inconvenient and destructive of native freedome: the fallacie of which is easily discerned by understanding men. It is true, if we looke upon the Priviledges of Nature, (abstracting from paternall dominion) Freedome is the birth-right of mankinde, and equally common to every one, as the Ayre we breath in, or the Sun which sheds his beames and lustre, as comfortably upon Beggars, as upon the Kings of the earth. This Freedome was an unlimited power to use our abilities, according as will did prompt. The restraint of which would

would questionlesse have beene very grievous, but that experience did demonstrate, it was not so delightfull to do what ever they liked, as it was miserable, to suffer as much as it pleased others to inflict. For any that was stronger then his neighbour had it in his power to hinder him from injoying the benefits of liberty; nor yet could the most powerfull man among them take any extraordinary comfort in this as yet hostile State, because his minde was distracted with continuall feares, since there was not any so contemptibly weake, but that if he despised his owne life, or desired to enjoy it with more uncontrolled pleasures, he might make himselfe Master of any others mans, though not by force, yet by subtilty, and watching advantages, or at least a few combining, might destroy the strongest, and might be tempted so to doe, for their fuller security.

The evils which flow from want of Government.

This was their unhappy condition amidst feares and jealousies, wherein each single person look't upon the world as his enemy, and doubted (as formerly *Cain*, when he was excommunicated and cut off from the civill body) lest the hand of every man might be upon him; and to this confusion the disturbers of this State endeavour to reduce us, not that this ἀναξία, want of order, most hatefull to God, can be pleasant to the most wicked man; but as knowing the effect of it, an insupportable and generall calamitie will quickly unite multitudes into a people again, and force them to restore some government; and they may hope in a new compact to gaine a greater share in the rule, then their ambition hath beene able to force from the setled Kingdome.

I will adde the unavoidable occasions of quarrell, extreamely opposite to the prime dictate of nature, the preservation of themselves, and to the meanes which conduce thereto, a peaceable injoyment of the comforts of this life. For whilest every one had right to all, no body could with safety make use of any thing; since when some would take to themselves what others delighted in, their desires and right being equall; there was no title but that of greater force, which could determine to whom it ought to belong, and this could not be knowne but by fighting, and this right reason abhorred, as by which men would either

ther be expoſed to famine in the midſt of plenty, or elſe bee forced daily to hazard the loſſe of their lives, out of a naturall deſire of conſerving them.

The ſenſe of theſe calamities quickning their underſtandings to finde out, eaſily prevailed with their wils, to entertaine a remedy of ſo great evils; which manifeſtly proceeding from diviſion, the ready cure was to make themſelves one, becauſe no body is at variance with it ſelfe. There being no way to effect this naturally, they reduce themſelves into a civill unitie, by placing over them one head, and by making his will the will of them all, to the end there might bee no gap left open by ſchiſme to returne to their former confuſion. Becauſe the wills of men, though the fountaines of all voluntary actions, yet are not themſelves the objects of choiſe; (for wee cannot will to bee willing, (this would be infinite) but to performe what is commanded) and ſo are not capable of being obliged by compacts: therefore this ſubmiſſion of all to the will of one; or this union of them agreed upon, is to be underſtood in a politick ſenſe, and ſignifies the giving up of every mans particular power into his diſpoſall, ſo that hee may be inabled to force thoſe who are unwilling upon ſome private ends, to bee obedient for the common good; otherwiſe they would enjoy the benefits of others faith in obſerving lawes, and the advantages of their own violations and breaches, which may probably be prevented, if penalties bee appointed much greater then the profit which can come by their diſobedience; becauſe, as men are naturally tempted by hopes of good, ſo they are as naturally deterred by a certaine expectation of greater evils.

The remedy of thoſe evils civill unity.

Thus alſo by transferring every particular mans power into the hands of one, is not meant a reall laying downe and naturall tranſlation of their ſtrength, (becauſe their nerves and ſinewes are not alienable, as their money and goods) but a conſent and mutuall obligation (as of all to one, whether he bee King, as in a Monarchy; or ſome Nobles, for they are one too, as in Ariſtocracy, ſo of every one to each other) of not uſing their naturall power, but onely as Law ſhall require, that is, of not reſiſting that body in which the ſupreame power is placed, as likewiſe

wiſe of aiding him, or them by vertue of that promiſe, or of that oath, according to the nature of the contract, when he or they ſummon their ſtrength.

By what is layed downe, may be diſcovered the weakneſſe of their ſecond principle (which hath done moſt miſchiefe and till it be thoroughly rooted out of mens minds the ſeed is ſtill left behind, from whence rebellion will ſpring) the falſehood whereof, I thought fit to manifeſt in relation to the peace and quiet of Chriſtendome and the world in generall, it not at all concerning His Majeſties caſe, who was ſo farre from offering violence, that it was the extraordinary mercy of God upon this Land, that did enable him to defend his life againſt it, his Magazines and Forts, and Ships, that is all his civill power being taken from him, and an Army actually raiſed againſt his perſonall ſtrength, (for His Majeſty had not granted one commiſſion to raiſe a man, when they began their *defenſive* warre) ſo that *Lucans* expreſſion might ſeeme fitted to this Kingdomes miſery.

Parque novum fortuna videt concurrere bellum
Atque virum ——

The doctrine is; the law of Nature will defend us, whomſoever we kill, (though the King) in our owne defence, and we are acquitted by that principle *vim vi.* (Nay ſome goe higher and make it unlawfull not to reſiſt even the higheſt authority, it being a ſinne againſt nature &c. whom the examples of the holy Martyrs and of Chriſt himſelfe doe clearly confute, though they cannot ſatisfy them.) I will breifely anſwer it, as meaning to enlarge my ſelfe thereon in the following diſcourſe.

Native right reſtrained by poſitive obligation.

It ceaſes to be lawfull, after we have made our ſelves ſociable parts in one body, becauſe we voluntarily and upon agreement reſtrained our ſelves from making uſe of this native right and the renouncing this power by mutuall compact will appeare very conſonant to ſound reaſon, whether we looke upon, 1. the benefits inſuing thereby: or, 2. the miſcheifes avoyded. For it is a more probable meanes to the attaining that very end, in relation to which they plead for it, the preſervation of particu-

lar

Prudentiall motives for parting with some rights of nature, without power to resume them.

lar persons. Upon this condition of obliging our selves not to resist publique authority, in requitall for this submission of our private strength, we are secured by the united power of all, and the whole Kingdome becomes our guard. And it is most likely wee should be lesse exposed to injuries, when that impartiall and equall measure of right, (the known law) is by this meanes maintained. The evills which would flow from this licence to resume our power against contract, are infinite. Our owne feelings too fully instruct us in the sad effects, and I doubt not but the wearinesse of our present sufferings, and the expectation of growing mischeifes, will be powerfull beyond rhetorick to perswade us to value highly the publicke tranquillity. I am confident, if the people of this land (whose eyes have been opened of late, and they are now sensible, that to continue violences to His Majestie hath introduced a necessity of oppressing them, and that they are bound to bee undone in order to the injuries to their soveraigne) were able to deliver themselves from their defenders, we should suddainly be restored to happinesse, and it would be as hard a matter to engage them in a civill warre, when they had againe tasted the sweetnesse of plenty and quiet, as it is to perswade them to agree to peace, who challenge a legall power by the title of warre to dispose of the Kings and subjects revenewes at pleasure.

As reason induced men to enter into such a Covenant, and to lay a mutuall obligation one upon another, not to resist authority upon whatever grounds, whether of fancied, or reall injustice, but to submit their actions and persons to the ordinary triall, though it might possibly happen, that some particulars would be sentenced unjustly, because a farre more considerable good could not be obtained, unlesse by agreement patiently to submit to this possible evill, since the common peace and quiet, cannot be effectually provided for, if it shall be indulged to any, to appeal from the Lawes to themselves, and to judge their Judges: So honesty and religion strictly bind them to preserve their faith intire, and this contract inviolable.

The paines I have taken, to lay open, by way of introduction, to the view and examination of all that desire reall satisfaction,

the

the foundation upon which rule and Subjection are built, will appeare not so delightfull, as it was necessary. And it is no otherwise in the workes of Art, *operum fastigia spectantur, latent fundamenta*, passers by admire the superstructure, when that strength which supports the most elegant piles, lies deeply buried in the earth, and unregarded. It were very strange, if any man should be so prodigiously weake, as to suffer himselfe to be perswaded to remove his chambers and galleries into a healthier aire, a pleasanter prospect and more commodious Situation; and yet the same unreasonable advice is harkned too, concerning the civill frame, without any consideration of the groundworkes. *Populi salus, suprema lex*, is the Engine by which the upper roomes are torne from the foundation, and seated upon fancy onely, like Castles in the aire. For the safety of the people is really built upon government, and this destroyed, the other, *non jam ædes, sed cumulus erit*, will be soone swallowed in the common confusion; but this is evidently and demonstrably ruined by these principles. For government is an effect not of a peoples divided naturall powers, but as they are united and made one by civill constitution; so that when we call it supreame power, we impose an improper name, and have given occasion for mistakes (yet I shall not endeavour to alter the common use of speaking, but onely to prevent a misunderstanding of it) because indeed this power is simply one, and when it doth expresse it selfe by one person or more, (according to different formes) who yet are but severall parts of one governour, there is not left in the Kingdome or Common-wealth, any civill, that is, any legall power, which can appeare in resistance, because all of them have bound their naturall hands by a politique agreement.

The foundation upon which States are setled, overthrown; if the people be made Judges of their safety, and allowed to use any meanes which they fancy conducing thereto.

Hence it follows, those that will allow any power to Subjects against their ruler (let it be, one man, or many united by one common forme, which is the consent of the major part, and this is not capable of division) do thereby dissolve the sinewes of government, by which they were compacted into one, and which made a multitude a people, and so breake the Common-wealth into as many peices, as they have set up opposers against it. For there cannot be two powers and yet the

Liberty to resist those in whom the Law places *jus gladii* the right of the sword, destructive to the very nature of government.

Kingdome remaine one. This is that, which distinguishes *France* and *England* and *Spaine* from one another, because they have three powers legally distinct, and are the same in relation each to other, as three particular men meeting in some wildernesse, and considered as not having agreed to any Lawes of Society.

I am fully perswaded, no sober man can imagine the policy of this State is so defective, as to open a necessary way to its owne ruine, that is, to divide the Kingdome legally in it selfe; and therefore it must necessarily be granted, those that take up armes being not authorized so to do by law, are guilty of rebellion, and the consequences of it, murder and rapine. It is very easy to determine, whom the Law hath armed with power, because not any part of the people, not the two Houses, but the King alone is sworne to protect us, which is an evident argument, he is enabled to effect this end, and that the necessary meanes to compasse it, which is the *posse règni*, is at his disposall.

By these generalls throughly disgested, and rightly applied, we shall be able to rule particular decisions.

I shall desire one thing especially may be remembred, as which hath great influence upon all cases. Though what is truly the right of any one, doth not cease to be so naturally by anothers sentence to the contrary; yet after positive constitutions, upon a Judges decision, he can challenge no title to it because by his owne deed, and consent, he passeth it away in that judiciary determination. And equity and prudence both dictate, that it was a most honest and reasonable agreement, as conducing to publique peace, and the quiet of mankind, that persons publikely constituted and more unconcerned in the decisions, should put an end to all debates. Because otherwise the controversie was not likely to be ended, but with one of the parties; For each man out of naturall favour (the strongest corruptive of judgement) inclining to his owne interest, there was nothing left but force to determine it. There cannot be a more unhappy administration of Justice, then when strength is made the measure of right, and when all Judges are bribed, as pulling sentence to their owne advantage.

§. 2.

§. 2.

THe following Section shall be spent in proving the proposition, by which the consciences of all Subjects must be directed: *viz.* That

It is unlawfull to resist him, or them, in whom the supreame authority, (that is, all the legall power of the Kingdome) is placed; and no dispensation (grounded upon what persons soever, as inferiour Magistrates (or upon any cause, as the extreame abuse of this power to their oppression) can excuse such resistance from the sin of rebellion.

Upon this pillar not onely Monarchy stands firme, but all other governments are equally supported; the generall reason being applicable, according to the difference in severall formes.

In the third Section I will bring the case home to our selves by proving this Assumption; The King of *England* hath this supreame power; And then I shall leave it to every mans conscience to inferre the Conclusion; Therefore it is unlawfull to make resistance against their Soveraigne.

In the fourth Section, I will answer all the evasions (how plausibly soever founded) which I could meet with in the severall writings of those men, who though they strike at the King downe right and more immediately, yet by plaine and evident consequences they destroy all civill society.

By way of conclusion, I will shew though such a power of resistance, as they or any others have yet openly pleaded for, should be granted lawfull, (as when in their own defence; or when he that hath the highest authority, and is bound by the law of God and his own oath, to administer justice equally; yet after frequent representations of their grievances, and most just Complaints of their great sufferings, affords no redresse) yet this can be no justification of the present warre against the King, nor acquit the Actors in it from being rebels. Because this case is evidently not now, as will appeare after a view taken of the causes of this unnaturall, and illegall division.

The propoſition to be proved is, It is unlawfull to reſiſt him or them in whom the ſupreame authoritie (that is, all the legall power of the Kingdome in order to raiſe armes) is placed, and no diſpenſation (grounded upon what perſons ſoever, as inferiour magiſtrates; or upon any cauſe, as the extreame abuſe of this power to their oppreſſion) can excuſe ſuch reſiſtance from the ſin of Rebellion.

Differences between not obeying againſt law; and hoſtile reſiſtance to a lawfull Soveraigne.

I make no queſtion every man will apprehend, that by reſiſtance here, is meant onely hoſtile oppoſition, and not a refuſall to put unjuſt commands (meaſured by divine or humane laws) in execution; for the truth is, if they are, or ſeem repugnant to Gods law, (for then they are ſo really, in reſpect of thoſe who have that apprehenſion; *idem eſt eſſe, & apparere*, in this caſe of good and bad: becauſe whatſoever is not of faith is ſin) we muſt conforme our practiſe to that ſtanding rule, layed downe by the Apoſtle, *Deo magis, quam hominibus, We ought to obey God rather then men*, we are bound (to uſe *Tertullians* phraſe) *Temperare majeſtatem Cæſaris infra Deum.* The reaſons to the contrary for abſolute and unlimitted obedience have no ſolidity.

Active obedience againſt Gods law, ſin.

I. *Objections* to the contrary.

One is upon a falſe ſuppoſall, that at our entrance into civill ſociety, we ſubmitted (as our wills, by which is meant not the faculty, but the effects of it, which were in our power, and which are ſubjected as farre as they were in our power, that is in all honeſt performances, for *peccare non eſt noſtri juris*, ſo) our underſtanding; and conſequently, though in our private opinion, ſuch actions were unlawfull, yet if commanded and ſaid by our rulers to be juſt, our publike judgement (which we had given them right to paſſe upon good or bad) did pronounce them honeſt.

II. A ſecond argument is, though we think ſuch actions unlawfull upon a particular comparing them, with the meaſure of right and wrong, divine precept, or prohibition; yet from a more generall reaſon, we think this thought of ours condemning ſuch actions, to be an errour, and ſo if we doe, what we think in our private judgement God hath forbidden, we doe *contrà opinionem agere, ſed non contrà conſcientiam*, practiſe againſt our opinion, not againſt

againſt our conſcience, becauſe that is ſwayed by this generall reaſon. If when rulers ſay ſuch a thing ought to be done, I ſay, it ought not, the ſenſe of it is, I am wiſer then they. But if I grant them the more able men, I muſt needs think they are likely to make truer judgement, and ſo am bound to ſubmit to the greater diſcretion, becauſe in morall differences, which are not capable of demonſtration, I muſt guide my practiſe by the higheſt probabilities of good. If ſheep knew how apt they are to go aſtray, they would be content to be guided by the ſhepherd; and therefore governors, who are ποιμένες λαῶν, are to direct us in the wayes of ſafety. He that ſhall undertake to be his own maſter, will have a foole to his ſcholler; and he that refuſes to follow his guide, and fancies ſome private turnings, is likely to miſſe his way, and through many wandrings to come weary to his journeys end.

Qui ſe ſibi Magiſtrum conſtituit, ſtulto ſe diſcipulum præbet. Bern.

III.

A third argument is, to challenge to our ſelves the judgement of good and evill, is the fruit of that bitter root of *Adams* diſobedience; *Erit is ſicut Dii, ſcientes bonum & malum*, was the temptation; and the ſinne was, he did eate of the forbidden tree of *knowlege of good and evil*. Hee was not content to bee acquainted with good onely, ſubmitting to (that which made actions good or bad) the command or prohibition of him, who had dominion over him; but began to examine the juſtice and reaſonableneſſe of them, and ſo would make himſelfe like the Law-giver.

The anſwer hereto is eaſie by diſtinguiſhing thoſe things in which God will require from every one a liberty of judging, and a conformable obedience, from things more obſcure; and which will require a deeper ſearch then ordinary underſtandings can make. *Anſwer.*

Of the firſt ſort are the plaine and familiar truths laid downe in ſcripture, of which S. *Paul* binds us to bee ſo confident, that though an Angel from heaven ſhould preach any other doctrine, wee may not admit it. As likewiſe many morall duties eaſily diſcerned even by weake apprehenſions. If this were not ſo, the Apoſtles rule could not lawfully bee made uſe of, we muſt obey God rather then men; and the people would bee bound to follow their blinde leaders into the pit of deſtruction.

For Christ tels us both shall fall into the ditch. But the Apostle allows them to whom he spake, to examine his doctrines of this nature, by the rule of their own understanding. I speake as to them which have understanding judge yee what I say, and judge in your selves, it is comely, &c. and in the verse following, doth not even nature it selfe teach you, &c. This case is clearly decided in the 14. to the *Rom.* where we learne, if wee condemne our actions, though in themselves not blameable, yet to us they are sinne, vers. 22, 23. Happy is hee that condemneth not himselfe in that thing which he alloweth. He that doubteth is damned if he eate, because he eateth not of faith; wherefore he gave a generall command in the 5. v. let every man bee fully perswaded in his own minde.

Of the latter sort are things more intricate, and which cannot without great difficulty bee judged of. Being such for the most part wherein not mens honesty but their prudence is exercised. And here a submission of judgement is very reasonable. As in law cases to be swayed by the professors of it, or if we build a house to be directed by artists, or in a tempest to take the most probable way of escaping, by relying on the pilots steering the ship and forbidding unexperienced passengers to runne to the helme confusedly and alter the course, according as their ignorance & feares prompt them, upon a conscientious madnesse, that they shall bee accessary to their owne death, if they put their lives out of their own hands, though they commit them to sea-men, whose experience hath better enabled them to avoid the rockes and the shelves: And thus in civill government, wherein the greater part of men can have no deep insight, to trust the managery of the publique safety, to persons wiser then themselves, and to binde one another to perform all offices in relation to this end, according as they shall be commanded by their governours, and not to rule their law-givers by disputing the unreasonablenes of what is injoyned. And to this captivating of their understanding religion obligeth them; for God is not a God of sedition, of mutinye, and confusion, but of unity, order and of peace.

The case thus resolved produceth an excellent temper, in

mans

mans obedience; as by which we render to *Cæsar*, the things which are *Cæsars*, and to God the things which are Gods. Be subject to every ordinance of man for the Lords sake. This binds universally, those only cases being excepted, which God expressly and evidently reserves to himselfe; and in them we must take law from the more powerfull. Feare not them which kill the body, but are not able to kill the soule, but rather feare him, which is able to destroy both soule and body in Hell.

This liberty of denying obedience can neither be offensive nor dangerous to authority.

First not offensive, because magistrates can challenge no more right over our actions, then God gives them or we our selves had, before we submitted them to their commands; which was none in this supposed case, because a dishoneſt deed *non est nostri juris* is not in our power. We can no more passe away by promise Gods right to our obedience, then we can covenant to transferre and give away another mans goods or demeasnes.

No inconveniences from this doctrine rightly stated; God to be obeyed rather then men.

Secondly it is harmelesse in the consequences, because if any out of a reall or seeming repugnance to divine precept, deny active obedience, they must confesse themselves obliged by the same conscience of observing the law of God, not to resist that authority, which he hath armed *jure gladij*, with the right of using the sword, probably to this end that Religion might not be a cloke for Rebellion, and that we might not dare out of the feare of God to violate the order of divine providence; by which he hath thought fit to governe the world. This is the patience of the Saints, which shall be rewarded with heaven, because they suffer, rather then doe evill for earthly considerations, as being assured, God hath forbiden them, though for prevention of their particular and undeserved misery, to disturbe the publike happinesse, by resisting that power which Scripture tells them is from above. It oft times pleases God to make use of ill governours, and their unrighteous judgement may be his just sentence for our former transgressions; if it be his will to scourge us by them, no smart, should tempt us to cut his rod in pieces.

Because

Becauſe generally men are hardly brought to entertaine a truth, which ſeemes diſadvantageous to them, and comes in ill company, attended with affliction, *Quis enim facilè credit, propter quod dolendum eſt?* (though this ſhould not be amongſt Chriſtians who are *crucis candidati, & quibus frui fas eſt Diis iratis*, and who ought to rejoyce in their preſent ſufferings, as the exerciſe of vertue, and that way to eternall glory, which our Saviour hath chalked out both by example and precept?) I will uſe the greater diligence in evidencing this point by all kinde of proofes, of which the matter is capable.

If we looke backe to the law of Nature, we ſhall finde that the people would have had a clearer and more diſtinct notion of it, if common uſe of calling it *Law* had not helped to confound their underſtanding, when it ought to have beene named the *Right* of nature; for *Right* and *Law* differ as much as Liberty and Bonds: *Jus*, or right not laying any obligation, but ſignifying, we may equally chooſe to doe or not to doe without fault, whereas *Lex* or law determines us either to a particular performance by way of command, or a particular abſtinence by way of prohibition; and therefore *jus naturæ*, all the right of nature, which now we can innocently make uſe of, is that freedome, not which any law gives us, but which no law takes away, and lawes are the ſeverall reſtraints and limitations of native liberty. Upon this ground I have ſhewed already the right of nature cannot be pleaded againſt poſitive conſtitution, that being a permiſſion onely, and not an injunction, and therefore ceaſing by a ſubſequent obligation ariſing from promiſe and compact, when multitudes became one Civil body.

Difference between Law of Nature and Right of Nature.

I was unwilling to weary the Reader by an unprofitable debate, and different ſtating of the originall of power. For though it be moſt true, that paternall authority was regall, and therefore this of Gods immediate conſtitution, and founded in nature, yet it is not much pertinent to the preſent deciſion, nor can it neceſſarily concerne moderne controverſies betweene Rulers and People. Becauſe it is moſt evident, no King at this day (and much leſſe other Governours) holds his Crowne by that title, ſince ſeverall paternall powers in every State are given

Their owne Scheame of Government ſerves our turne, and juſtifies the Kings cauſe.

ven up, and united in one common father, who cannot pretend a more immediate kindred to *Adam*, then all the reſt of mankinde. For this conſideration, I thought fit to lay downe their owne Scheame of Government, and let them make what advantages they can, by preſenting to your apprehenſion a multitude before a people, like a heape of ſtones, before they are cemented and knit together into one building. I ſhall onely deſire my adverſaries would not betray ſo much want of ingenuity, as to make this favour of joyning iſſue upon their owne principles, a contradiction. For I thought it loſſe of time to inſiſt upon their miſtakes in the manner of derivation of power, when all of us agree well enough in the thing. That, after the multiplying of mankind, there was an Anarchy is confeſt, onely they impute it to a want of all Law and Rulers, and we derive it more naturally from the multitude of Governours, whoſe wills being various, were ſo many diſtinct Lawes to thoſe who were under them, when in every family was a kingdome.

(Θεμιστεύει γὰρ ἕκαστος
Παίδων, ἠδ' ἀλόχων

as *Euripides* deſcribes the *Cyclops*: their Subjects were their owne fleſh and naturall Princes, being wives and children) when there were ſo many abſolute Princes within the compaſſe of a Pariſh, that a man had ſcarce roome to walke in a Territory; when a Commonwealth was lodged in a Cottage, this πολυκεφαλία was the mother of confuſion, and by reaſon of ſuch a multiplicity of Kings, it was not ill ſtiled χόρος ἀβασιλήτος. Though they had abſolute power, yet it was confined within a narrow compaſſe, and if they exerciſed any juriſdiction, or made uſe of their liberty to the prejudice of neighbour States, this begot controverſies, and both parties having right to be Judges in their owne cauſes, they made force the meaſure of decition, and who was ſtrongeſt could not be knowne, but by the iſſue of the warre.

——*Quis juſtius induit arma*
Scire nefas, ſummo ſe judice quiſque tuetur.
——*Hæc acies victum factura nocentem eſt.*

To prevent thoſe fatall miſchiefes to which they were ſubject,

while they lived in this hostile State, evidently occasioned by their divided powers, a way was found out by making their individuall strengths, and the many narrow authorities (which still justled one another) one legall power, and this was placed then with great prudence in one person, to the end the cause of their sufferings might be fully taken away, and that there might not be left a possibility of relapsing into their former miseries, which proceeded from opposition between equall authorities. Thus I grant to them their owne Scheame, yet without prejudice to that truth delivered by *Cedren*, who makes *Adam* the catholique Monarch: Οὗτος ἡγεμόνευσε τῶν γένους τῶν ἀνθρώπων, δι' ὅλης αὐτοῦ τῆς ζωῆς.

As reason first represented to them Monarchy, as the most perfect forme, (from which their want of government was a defection, for we may say of Anarchy, *Non fuit sic ab initio*) so sense confirmed it, they having happy experience of those eminent advantages peculiar to this constitution, as unity, secrecy, and expedition. The *Roman* story doth approve this wisedome, by acquainting us with the fatall miscarriages, and bad successes of their Armies, when commanded by two Generalls. And if we looke upon this State in peace, we shall finde by putting downe Kings they laid the seed-plot of those many miserable civill warres, with which that people was so frequently, so extreamely afflicted.

The governement of *Rome* according to the forme, democraticall; but according to the practise, an illegall Monarchy. Different judgement of the best forme of governement, oft-times the cause of sedition.

The forme of that Commonwealth was Democraticall; but if wee judge of it, not as established by Law, but according to the practice almost in all times, we must pronounce the Government an illegall Monarchy. For either some one man governed the Senate, and made them an instrument to oppresse the people, or else (according as it was aptest to advance his interest) siding with the people, and telling them the Nobles took too much upon them, he by their power compassed his private ends under the names of common good, and publique safety.

The truth is, the different judgement of the best State, doth *de facto* open a gap to sedition, because men naturally desire to live most happily, and are easily tempted to contribute their endeavours to any change, which they fancy for the better; though

though in right it ought not to be ſo, notwithſtanding ſome forme might be propoſed, which were really more perfect, becauſe our faith once given to the preſent government, cannot be recalled; this civill union is as faſt tyed as the marriage knot, we are bound to take it for better for worſe. And if otherwiſe, States would probably be ſhorter liv'd then men, as having their foundation on the ſands, that is, on the inconſtant wills of the people, who are blowne about with every winde of contrary diſcourſes. But in this diſpute concerning the beſt forme of civill ſociety, there is a great fallacy, as yet not fully diſcovered. Scheames are drawne in ſpeculation, and politique diſcourſes are framed, which beare much reſemblance with ſome figures of Mathematicians, which are made with much eaſe upon paper, and with apparence of ſolid demonſtration, ſo that the Schollers not able to object againſt it, entertaine it for certaine knowledge. But when reduced into practice in wood or ſtone, the failings are preſently ſeene, and their contemplations appeare vaine and unprofitable, becauſe they did not take into conſideration the capacity of the Subject, on which they were to worke, nor fore-ſaw what reſiſtance the matter would make. This errour is committed in the compariſon of States, and many pauſible reaſons are laid down for the rule of the Nobles, or of the people; which are beſt confuted by experience. For when it is debated, whether Monarchy be the moſt convenient government, the true ſenſe of it is this, (if we judge according to the frequent practice, which in Politiques is made the moſt reaſonable meaſure of Lawes) whether the people will live more happily when Law places the ſupreame power in one, and nominates that perſon (by which no roome is left for diviſion) or when one man being more active and crafty then his fellowes, who ought to have an equall ſhare in this authority, raiſes a faction upon plauſible pretences, and under colour of ſerving his ſide, perſwades them to be commanded by him, and ſo exerciſes the ſupreame power in an illegall way: which as it is compaſſed by ingaging the people in miſery, under colour of making them more happy, ſo it muſt be kept up by as bad arts, and an Army muſt be maintained,

Fallacy in diſcourſes concerning what kinde of government is beſt.

tained, to make good by force, what Law cannot justifie.

I do not wonder, (for it is no strange thing, part of the people should be unwise) that some should be induced to cast off Monarchy. They are told, it is very unreasonable that one should have all the power,

——(*Toto liber in orbe*
Solus Cæsar erit;)

They may upon the same ground perswade them to quarrell with God Almighty. Their meaning is (though they dare not speake out) there is no government good, unlesse they have a share in it. This interest of being joynt Soveraignes, makes them unable to see, or else willing to dissemble the apparent dangers which division threatens, as likewise the great disadvantages which wait on slow proceedings, (counsels, as well as men, growing weake by age) and the unhappy miscarriages of brave undertakings, because not managed with fitting secrecy. All these three are plainly spoken in many Governours, Faction, Delay, Openesse.

By what meanes so many of the people are misled into Rebellion.

The method whereby the peoples affections are poysoned, and wonne to a dislike of the present State, and by degrees, brought first to desire, then to attempt an Innovation, is this. All the defects (how unavoidable, soever, by reason of secret lets and hindrances not to be fore-seene, as depending upon many circumstances, which are variable according to other mens wills, and which they have not the honesty to put the people in minde of) are with great care represented to their considerations, and much diligence is used to set before them a perfect Catalogue of what ever faults have beene committed by inferior Magistrates and under Officers; and as they have excellent memories in repeating grievances, so they have learned an art (very convenient for their ends, and for creating a misunderstanding between King and people, that they may manage the discontents of the Subject to advance particular designes) to forget the severall satisfactions given by Princes, when upon generall complaints, they are fully instructed in their Subjects sufferings.

The next worke is to assigne such a cause of these corrupti-

ons

ons as shall open a way to the alteration they aime at, which is, to impute them to the nature of a Monarchicall government, by telling them, their happinesse is built upon a very uncertaine foundation, the will of one man, and if he be bad, they must surely be miserable.

Lastly, a promise is made, of healing all their evills, and the remedy is *multitudo medicorum* (the same plausibilities may be urged to perswade an enterteinment of many Phisicians about a sicke person, as about a distempered State, but experience masters these reasons, and hath demonstrated the danger of it) they must place the Soveraigne power amongst many, to the end, if one should faile of his duty, others may supply it; if one should be willing to oppresse, others may be able to protect them. It fares with men in the distempers of State, as in those of their bodies; They are easily induced to make triall of what any man tells them will do them good, and they have the strongest phancies to those things of which they have least experience. But the Fallacy which abuses the people is *non causa pro causâ*; there ever was, and alwaies will be matter of Complaint, under what kind of regiment soever we live, and till men be absolutely perfect, the governement cannot be so; voluntary corruptions, and naturall frailties must have an influence upon every state. This tampering with the Body to reduce it to perfect health, hath overthrown many excellent constitutions, and such kind of physicke proves the most dangerous disease. Wherefore we must not fall out with our selves upon every distemper, and presently thinke of altering our naturall habit, lest we make our selves well, only as dead men are so. It may become State-doctors to take notice of *Hippocrates* his Aphorisme, *consueta longo tempore, etiamsi deteriora, insuetis minus molesta esse solent.*

It will concerne us in prudence to take that course which will convay to us the greatest goods, and is the most probable way of avoiding the most evills. And this I conceive Monarchy is most likely to effect, and I make no doubt the people would be of the same opinion, if their affections had not beene craftily prevailed upon, by that miserable fallacie of unequall comparison, betweene a King not performing his trust, and Nobles not

Fallacie of unequall comparison.

failing

Greater hopes in Monarchy; greater feares in an Aristocracy.

failing of their duty as if the word *ἀσυνεξία* or optimacie would warrant it) where if they were put into a just ballance they ought to be supposed both good, or both bad, and then a true judgement might be made of the mischeifes and advantages; Then we should clearely discerne, we have greater hopes under a vertuous King, (suppose both good) and greater feares under a vicious Nobility or Senate, (suppose both bad.) And besides there is one very considerable circumstance, which ought to rule much in the decision; it is much more probable we shall have a good King, then a good Nobility. (I take good in a politique sense, for that onely concerns the present dispute, and understand it in this notion, as providing for the peoples happinesse.) Because his interest is the same with that of the People; which is strong State security; whereas that of particular Nobles, and much more of men of lower ranke, where such are admitted, is divided from the publique happinesse. The Commonwealths of *Greece* will afford many examples of persons selling their Country, and putting the great Councell upon ill attempts, and labouring with their utmost cunning to frustrate good designes, because their dependance upon a forraigne Kingdome or State, was worth much more unto them, then they could hope to gaine by honest service to their Country.

Kings interest the same with the peoples; that of Nobles divided from their happinesse.

Much greater happinesse in Monarchy.

First, we have greater hopes under a vertuous King: because upon supposall that both be willing to promote the peoples happinesse, yet he is more able to compasse that end, by reason he hath a more united power, and the execution of what ever designes, depends but upon a single resolve, and therefore may be managed with certaine closeneſse, and all convenient swiftneſse, so that good counsells shall be first discovered in the effects: whereas a great body moves slowly and most times the opportunity of doing is gone by, while they are but halfe way in their deliberation.

Subjects living under good Lords or Senators (such as value the honour of being esteemed worthy patriots, above the advancing their owne fortunes, or raising children, or preferring friends, *subsidia dominationi*, or enriching kindred, and these qualities rarely meete in the major part of an assembly) seeme

to

to me to be in the same state, as children who have lost a father, and whose fortunes by his care are left to Feoffees in trust; these though extreamely honest, yet by reason of necessary particular cares, which more immediately concerne them, and because they are many, and so every one expects the rest will probably be carefull to performe this trust, and therefore he may be spared, and allowed to spend his time more advantageously in improving his owne estate, especially this performance of faith to a dead man being a very barren vertue, either the wages being payd before, or else nothing allotted. He presuming upon their goodnesse, and frequent deep Protestations of loving his equall to themselves, and thinking it an unworthy thing, to set a price upon an old friends fidelity, and so leaving it to be rewarded onely by heaven, and the same honest care in others of their children; These I say out of reall or very plausible hinderances, are forced to neglect the childrens portions, and the poore Orphans receive uncomfortable satisfaction. They would have beene in much better condition, though strangers in worldly affaires, if wholly left unto themselves, because their necessities would have quickned them, whereas now their hands are tyed up from helping themselves, and all they can contribute towards making themselves Masters of their owne fortunes, is a fruitlesse impudence in vainely importunating the curators: So is it most times in the government of many, though understanding, and good men; which is a rare happinesse, and yet no security against miseries, because *onus commune negligunt singuli*, what belongs to their common care, frequently miscarries by particular negligences.

Secondly, we have greater feares under vicious Lords or Senators; That is, it stands with cleare and evident reason, we should be more miserable, living under many tyrants, then under one. The thirty tyrants of *Athens*, and the Decemviri of *Rome*, and that State variously oppressed, sometimes by the Senate, sometimes by the people, and at length to prevent ruine *cadens in sinum imperatorum*, are examples of this sad truth. That which makes a people out of love with Monarchy is a contemplation of the miserable consequences of abused power, where-

Greater miseries in Aristocracie.

Monarchy a more healthy constitution.

as

as the government by Senate is more apt to degenerate, and the oppreſſions under it are more intolerable.

As there are many advantages peculiar to Monarchy, ſo there is not any one inconvenience to which a people living under an Ariſtocracy (as to inſtance for the better underſtanding it, under a Parliament as it is now miſtaken for the two Houſes, challenging abſolute obedience to their Ordinances, without the Kings ratification, nay againſt his plaine denyall, by which they are null by the Law of *England*) are not ſubject in a much higher degree.

The diſeaſes of a Senate more violent.

Let us ſuppoſe a Prince to be luſtfull, or cruell, or covetous, or prodigall, and waſting what might be imployed on the publique upon favourites. If theſe vices are ſo grievous, when confined within one breſt; to what height will our miſery ſwell, when they ſhall be ſcattered through all parts, and be active in each corner of the Land? Their wives and daughters may be ſafe by diſtance, and live out of the reach of one mans embraces: If his looſe deſires are ſo inſatiable, how can they weary thoſe of ſo many? Secondly, it is more eaſie not to incurre the hatred of one, whereas there are ſcarce poſſible wayes of complyance with ſo many croſſe humours. One will never fall out with all, for he knowes he ſhould have an ill match of it, whereas the whole State may ſuffer by cruelty exerciſed by divided oppreſſors, becauſe each man gives full reines to his revenge, as thinking it ſafe enough, the feares from a few perſons cruſht by him, being below the delight of manifeſting his power in his enemies calamity. Thirdly, the covetouſneſſe of Senators is more devouring, becauſe we may feed one fire with leſſe expence of fewell, then a hundred. And fourthly a Princes profuſe ſpending upon favourites is infinitely over-ballanced by ſo many providing for their poore kindred, and making friends, and purchaſing dependants. This art (very neceſſary to all men imployed in State affaires, who are ſubject to various cenſures) of underpropping their reputation, and hiring Advocates to plead for them in their abſence, muſt draw out very conſiderable ſummes, and be more chargeable to the people (from whom the ſupplies muſt come) then the boun-

ty

of one man, though ſhowred downe over-plentifully upon ſome few privadoes. The wiſeſt States have ever made ample allowances to enable their Prince to beſtow favours according to merits, or liking, (the priviledges of every private man) it arguing a noble ſoule to be bountifull.

It hath beene ſhewed already, that Monarchy is a more healthy conſtitution, and that when ſicke the diſeaſes of it are leſſe violent, and it will eaſily be made to appeare, they are more curable. Good counſell, or at leaſt age and experience hath reformed many Princes; but however our grievances are mortall, the death of one opens a way to better hopes: but the corruption of a Senate ends in diſſolution. *Tacitus* gives a full character of the diſtempers which are fatall to a degenerate Senate. *Inter Patres plebémque certamina exarſère, modò turbulenti tribuni, modò conſules prævalidi; & in urbe ac foro tentamenta civilium bellorum. Mox è plebe infima C. Marius, & nobilium ſaviſſimus L. Sulla victam armis libertatem in dominationem verterunt. l. 2. hiſt.* There aroſe hot contentions betweene the Nobility and Commons; now the factious Tribunes bore ſway, then the Conſuls kept them under. In the City and the place of publique aſſembly there were frequent skirmiſhes, the Preface and Eſſayes to a civill warre. Anon *Caius Marius*, the meaneſt of the Commonalty; and *Lucius Sulla*, the cruelleſt amongſt the Nobles, deſtroying their liberty and property by the aſſiſtance of their illegall *Militia*, introduced an abſolute and unbounded government.

Eaſie remedies for a ſicke Monarchy.

The diſeaſes of a Senate incurable.

There be ſome, with whom that of Eccleſiaſtes prevailes, *wo to thee O land, when thy King is a child*, and they thinke it a ſtrong argument againſt Monarchy, becauſe this calamity is not incident to a Senate, they not being ſubject to nonage. But this place rightly underſtood, is a very full confirmation of the happy condition we have reaſon to expect under Monarchy, and of the calamity and woes which probably attend an Ariſtocracy. For the cauſe of thoſe miſeries foretold is plainly this, A King during his infancy being not able to rule, the government is managed by the nobles. Whence we learne, that change which the people oft times with ſinfull earneſtneſſe la-

The miſeries of a kingdome when a child governes, an argument for Monarchy.

bour for, is to be found in the catalogue of Gods judgements, and they sue for, and by wicked arts endeavour to compasse their owne punishment. It is an argument of Gods great mercy to them, that he fights against them; if he were thoroughly angry, the designes of innovatours would have better successe. This truth is warranted by Scripture. *For the transgression of a land, many are the princes thereof: but by a man of understanding and knowledge the state thereof shall be prolonged.* Prov. 28. 2.

Popular form the worst government.

To all these corruptions a popular state is more subject, and the imperfections of it, are so much the greater, as it is farther distant from Monarchy; the temper of it (which is unity, the soule of government) being more easily dissolved. Those which cry it most up, will be unwilling to admit it in their families, which are smaller principalities. Three things especially have made it so taking with the vulgar. 1. a pretended impartiall administration of Justice; 2ly. an empty name of liberty; and 3ly. the so much applauded equality, by which they seeme to reduce their civill constitutions to the primary lawes of nature, which gave to all men a common right.

More equall administration of justice without reason, and against experience, promised in this forme.

Concerning the first, their hopes that justice should be more equally administred, are grounded upon this probability: It is very hard to corrupt a multitude into favour or respect of persons; (though some rivers have beene infected, the ocean cannot be poysoned.) A man may satisfy the interests of one or some few, but to buy injustice of so many would be no thriving trade, hee might more cheaply loose his cause. This is a plausible but very fallacious argument. Because experience makes it evident, that to prevent the evills of division, which the many following particular and crosse interests doe beget, one remedy is constantly made use of, which is this; some few of the more crafty citizens, who have gained credit with them, agree together in private, and order businesses at their close Committee, and so undiscernably lead the multitude on to whatever they call the publike good, of which they having prevailed upon their affections are esteemed the most competent Judges. And what is this, but to pretend to a Democracy, and be governed by an illegall Aristocracy? By this meanes any one of the

the Junto (for they must gratify each other mutually) is enabled to stop the course of law in a friends behalfe, and to put a sharper edge upon the sword of justice when it strikes an enemie. These kind of men have got the Art of changing the peoples opinions of just and unjust, according as it is more suitable to their owne profit, and they are not so much beholding to any solid wisedome for it, as a kinde of frothy eloquence, which we may observe in their set speeches and declamations, with much cunning fitted to the capacity of their auditors. They doe not at all trouble themselves to satisfy reasonable men, for they are but a few, and can stand them in little stead, where things are carried by the greater number, and reasons are not weighed, but told. The art is, to apply their harangues to that which rules weaker men, the affections (*suadendo docent, non docendo suadent*) and these are easily convinced, and made the measure of their judgement; the want of weight in the premises being supplyed by an extraordinary love to the conclusion. It was too truly said in reference to these popular decisions.

——*Utilitas justi prope mater & aqui est.*

From this fountaine arise the many debates amongst men in civill affaires. For in Mathematicall knowledge, because it concernes not *meum* and *tuum*, there is an unanimous consent; all agree, what lines are streight, and what crooked; but the judgements of right and wrong, are as various as their interests different.

The objection of greater liberty, answered.

Secondly, concerning liberty, it is very strange that men should so generally fall in love with a bare sound, and court a name of freedome, which duely examined, will be found to signifie nothing. They cannot meane by it a loosenesse from all lawes, because their intent is to change, not take away government; they dare not owne such a pernicious licence. And therefore the true debate amongst men is, not whether they shall admit of bonds, (that is such obligations as lawes lay upon them, these are readily embraced) but who shall impose them; the question is not *an servirent, sed an uni vel pluribus*, and it is commonly called liberty, to serve more masters.

The restraint of our freedome is that which is most valuable

amongst the benefits of government. For this preſerves peace between men, that their hands are tyed up from doing injuries. Though we naturally delight in a full and abſolute liberty, yet the love of it is over-ballanced by feares; every one could wiſh to retaine it himſelfe, but not upon this condition, that all others ſhould enjoy the ſame freedome. Becauſe as the contemplation of our owne liberty is pleaſant, to do what we liſt, ſo there is a more ſad conſideration ariſing from the thought of others freedom, to make us ſuffer, as much as they may be tempted to inflict.

Æqualitate nihil eſt iniquius.

Thirdly, concerning equality, if they urge, it comes nearer to the law of Nature, by the ſame reaſon they muſt diſſolve the bonds of all government, ſince there can be no Magiſtrate, no Superiour and inferiour, and *par in parem non habet imperium*; ſo we muſt indulge to every man to doe what ſeemeth good in his owne eyes. This argument doth not conclude for one forme above another, but equally deſtroyes all, and is applyed to a popular State, onely out of reſemblance of ſome imperfections common to both, becauſe that government comes neareſt to none, and is but few degrees removed from Anarchy and confuſion. But the truth is, this equality which they ſo paſſionately affect, is clearely againſt nature, who if an equality of rewards had beene intended, would have made all men equally deſerving. Reaſon doth teach us, ſince it is manifeſt, we may excell others by education and induſtry; greater incouragements ſhould be allotted, in conſideration of the charges of good breeding, and of the extraordinary ſtudies, whereby men enable themſelves for the honour and good of the publique. Beſides this equality, though pretended to conſerve, doth in truth deſtroy amity, for none are ſo quarrelſome, none ſo ſubject unto envy, as equals.

We may judge of the thriving of popular States, by what we obſerve in commons, which are alwayes poore, and bare, and if taken into one mans hands, would be improved fourefold: we finde by experience what all ſhould looke after, is neglected by every one, whileſt each man thinkes his particular expence of time and ſtudy will not conduce much, and that they may be ſupplyed by others, and therefore he chooſes to imploy them

them rather on his private interests much more profitably.

Seeing that the greater part of men in a popular sway, are bred up to gaine, they make profit for the most part the rule of their actions, and so entertaine but little sense of honour. And hence this State is easily corrupted by their low affections, so that particular persons may be sometimes rich, the State can never bee glorious. How can the happinesse of that Commonwealth be lasting, where the wiser and honester part being still the fewer, must be ruled by men of weake understandings, and of corrupt affections, men extreamely violent, if they be not awed, and in their feare irresolute in all their proceedings, men not capable of secrets, so that they expose themselves to all disadvantages? Their assemblies are full of inconstancy and disorder, it is very hard to separate tumult and multitude. The Miser oft times dare not speake, fearing the madnesse of the people. For if things should succeed ill by some secret lets, they are sure to suffer for the event, since amongst such Judges it is not enough to counsaile prudently, unlesse fortunately also. The States of *Sparta* and *Athens* will afford plenty of examples.

If they be not united by feare of a forraigne warre, they will quickly breake out into a domestique. They are well compared to the raging of the waves; their contrary humours easily raise a tempest. The united Provinces are thought by many to owe more to the *Spaniards* constant enmity, then to the aides of *English*, *Scots*, or *French*. (And yet without their assistance they had beene long since swallowed up,) and they may thank the justice of Monarchies, that these friends made them not a prey to themselves. He is a stranger in the *Roman* story, who knowes not how fatall Mercenaries were, when lent by a Commonwealth. If he would not have fought with them, he had conquer'd them long ere this. The fate of *Greece* would have beene theirs, *Græcia civitates dum imperare singula cupiunt, omnes imperium perdiderunt*: we see how the *Athenians*, *Lacedæmonians*, *Thebans*, *Arcadians*, *Phocians*, *Locrians*, *Corinthians*, *Bœotians*, with others, variously siding, that they might keepe the ballance even, miserably warred upon one another,

till at last *Philip* tooke advantage of their discords, and made himselfe King of all.

I have beene tempted into this large digression, for the fuller satisfaction of the people, in whom a dislike of the present government is begot, and so a way is laid open for a change of it, upon pretence some other forme would be more advantageous. Which first is not true, and therefore they have not any motive for disloyalty, since they would be dishoneſt against Interest. And secondly, if it were true in it selfe, yet it is not so, when a State is setled under another forme, the certaine miseries of a civill warre, and the great difficulties of setting it together, when it is torne into so many pieces, will be above any hopes they can reasonably propose to themselves. And thirdly, if it could be done advantageously and safely, yet it cannot honestly. They will forfeit Heaven for that, which in all probability will make them more miserable upon earth; and it were a sad purchase, if they should obtaine as much as their ambition or covetousnesse can devoure. Civill society is founded upon Justice, and supported by Religion, which obligeth us to preserve the faith of contracts intire. We are bound to stand to our bargaine, though it should appeare it might have beene better made. Experience shewes us, that States may live and flourish too under the worst forme of government, and they are not immortall under the best. Let the imperfections be more or lesse in this or that kinde of regiment, they cannot absolve the Subjects conscience; though he may have reason to preferre other Lawes, he must have so much religion to be obedient to those under which it pleased God to place him.

It is high time to make particular application of the former discourse, concerning the originall of government, and by a distinct state of it to give light to all which followes.

True state of government in generall, with application to that of this Kingdome.

Non est potestas nisi à Deo, saith the Apostle, *Rom.* 13. *There is no power but of God*, that is the right by which the Magistrate governes, and all the jurisdiction he exercises is derived from divine ordinance. This may be conveyed either immediately, as amongst the *Jewes*, when God designed the person, which now

now no State will pretend; or else *mediante populi consensu* the consent of the people intervening, and this two wayes, either by a free election, upon hopes from his extraordinary goodnesse; or by conquest, attended with a voluntary submission, upon feares from his extraordinary power, that he may be willing to protect, who was able to injure: whether of these motives presented the person, is not certaine in the first times, but it is cleare their Empire was absolute (I exclude not the bounds of justice according to the Lawes of right reason, and equity) usually knowne by the name of πμβασιλεία, in which *arbitria principium pro legibus erant*. Though this continued long in the world, and the Easterne people enjoyed a great measure of happinesse under it, and therefore with great reason (to use the expression of *Tacitus*) *addictè admodum regnabantur*, they were subject most devoutly; yet the sense of some sufferings (as the fate of humane things is interwoven with a mixture of good and evill) suggested a remedy, which was to bound his power within the limits of positive Lawes. From hence proceeded the different qualifications of Regall power in severall Kingdomes. Some, though restrained by Lawes, yet were truly Monarchs, ὑχ ὑπεύθυνοι πόλει, being not responsible for any breaches, as supreame, though not absolute: others had the name and title of Kings only, but were subject to a superiour jurisdiction, as *Theseus* to the people, the *Spartan* Kings to the *Ephori*. It is not necessary to determine that question, whether the frequent debates about the not observation and the breaches of these agreements, (which, a discontented part of the people challenging the liberty of being Judges in this case, and the King thinking he had as much right, did produce civill warres, and most unnaturall distractions) have not heretofore, and will probably hereafter make States more unhappy then they were even in their worst times, and when they suffer'd most under the abuses of one mans power, whilest there was, though sometimes an unjust, yet alwayes a certaine way of ending controversies; when a sentance, if it did not finde, yet made a right, and *res judicata pro veritate accipiebatur*. To decide this, I say, is not altogether necessary, because the obligations which

lye

lye both on King and people have their ſtrength from this, not that he might better governe the people in ſuch or ſuch a way, but becauſe this particular government is eſtabliſhed by the conſent of both parties; their wills give the forme to the regiment, and not the conveniences of it. To come nearer home, and grant as much as reaſonable men, and thoſe which underſtand the nature of government can require. For I thinke they doe ill ſervice to the cauſe, though with good affections, who out of a deſire to make it more firme and ſtronger, place it upon any other then the naturall foundation, and that which is onely fit to ſupport it, and take the rights which God gave to the Kings of *Judah*, for the meaſure of all regall authority, which if they were, all Kings would have equall power: but this evidently varyes according to different Lawes, and is more or leſſe according to ſeverall conſtitutions. That which is pleaded for in this diſcourſe, as common to them and our Kings, is onely *jus regni*, the right of Monarchy, not to be accomptable to any inferiour juriſdiction.

I ſhall not deny, a Kingdome may be ſo conſtituted (but then it is no Monarchy) that upon a reall breach of ſuch or ſuch conditions, named in the compact, and a forfeiture being expreſſed, the ſword of Juſtice may be taken up by ſome Magiſtrates, appointed by law, as the *Ephori* amongſt the *Lacedæmonians*, or by the people, as at *Rome* when the laſt appeale did legally lye unto them (for it did not alwaies, as when a Dictator was created, he was the whole people for ſix moneths, and though the time of his reigne was limited, his power was not bounded, he was ἀνυπεύθυνος, accomptable to none for what he did in his regency, no, not when a private man again: and ſo under the Emperours, as appeares by the *Lex Regia*, quoted by *Ulpian*, which transferred all the peoples power upon him, (*L. quod. D. de conſtit. prin.*) A miſtake upon this hath ſeduced ſo many of the Kings Subjects into Rebellion. For becauſe it is made appeare a State may be ſo eſtabliſhed, and they are induced to beleeve, it is more reaſonable it ſhould be ſo eſtabliſhed; upon theſe premiſes they conclude moſt inconſequently, that our State is ſo eſtabliſhed, and in the ſtrength of this fight

againſt

againſt His Majeſtie, and did their beſt to kill Him, contrary to Gods ordinances, applyed to our civill conſtitutions, and repugnant to their owne oath, in which they ſwore to be loyall in reference to His Perſon, and that they would defend His life with their utmoſt power.

That a Kingdome may be ſo eſtabliſhed, a conſidering man will not gainſay. If the State of *Venice* ſhould call their Duke King, this new name would not convey any new power into him, Election or ſucceſſion cannot rule the caſe; for an elective Kingdome may be conferred abſolutely, as will appeare in the *Roman* Empire, and a ſucceſſive may be ſubject to forfeiture, if this be expreſt in the Covenant. For ſucceſſion is not a new title to more right, but a legall continuance of what was firſt gotten.

2. That it is more reaſonable ſo to eſtabliſh a Kingdome, that the Prince ſhall be accomptable to a higher power, either placed in ſome Magiſtrates, or in the people, (and then by the way it is not a Monarchy, but either an Ariſtocracy or a popular State) though this be very falſe, yet if it were true, it cannot juſtifie this warre now undertaken as things are ordered in this Land, againſt the King. Becauſe Policy is no diſpenſation againſt obſerving knowne Lawes, and we may not deſtroy our Governours out of reaſon of State; *Machiavell* muſt not give Law to the Goſpell. If we might challenge ſuch liberty, there were not ſuch a thing as Juſtice, our oaths would be of no force againſt Intereſt; profit ſhould be the meaſure of our actions, and we muſt conclude all right whatever was advantageous. Since then not ſuch perſons as they could better fancy, but thoſe onely whom the Law hath confided in, and enabled to that end, can put Armes into the hands of the people, it concernes every man, as much as his ſoule is worth (for that will certainly be loſt in thoſe great ſinnes of Rebellion, Perjury, and Murther) ſadly to examine whether to fight againſt the King, be not to reſiſt the Supreame Power, to which God hath threatned damnation.

Every State hath a ſupereminent dominion or paramount intereſt over all particular men, and what belongs to them, and

 conſequently

consequently hath full power to restraine the licence of resisting, for the preservation of order and publique tranquillity. That it should lay such an obligation upon all Subjects, there is evident reason, because what the supreame power, that is the State (in order to those things wherein supremacy consists) does, is truly the act of all, and none can have just cause of quarrell for dislike of what they themselves doe; and moreover necessity inforces it. Because without this the essence and being of a State were destroyed, which is, Order. For this ceases, if first and last be confounded, and the Citie is dissolved into a multitude, and that which should be one body, becomes so many independent men.

Non-resistance to the supreame power, essentiall to the preservation of order.

The benefits which are conveyed to us by men in authority, are described by *Timothy* 1. 2. 2. and he calls them *the leading of a quiet and peaceable life in all godlinesse and honesty*. It is not imaginable how they should be enabled to compasse this end, except some sentence be supreame, from which it shall not be lawfull to appeale; and consequently except that power which Law armes, and which lookes to the execution of what is decreed, be not to be resisted. For if it should be indulged to us to change our Adversary, and fall out with the Judge, and as oft as we thinke we suffer wrong by his determination, to take the freedome of righting our selves, upon this ground, that *his duty is to give righteous judgement, and therefore not satisfying that trust, he is no longer a Judge, then just, his sentence ought not to be submitted to, for we are not bound to be obedient to his will, but Law; if he endeavour to put it in execution by himselfe or his malignant Officers; though we kill him, it is no fault, because violence was offered onely to his person, not to his authority, which was none in this case, because he judged against Law, and that gives not power to its owne overthrow*; it is evident this principle makes our strifes and debates endlesse, all our Lawes would be writ in bloud; it breakes in sunder all the bonds with which the goodly frame of government is knit together, and robbes us of our peace under Anarchy and confusion. Out of this consideration the wisedome of all States hath thought it fit to secure the person or persons in whom the supreame power is seated,

by

by the ſtricteſt Lawes, and moſt ſevere puniſhment, which cannot conſiſt with a liberty of reſiſtance, to the indangering his or their lives. By the Civill Law, a Souldier was caſhiered, not if he did ſtrike againe, but if he onely kept off ſome ſtrokes, and held the rod of a Centurion; but if he broke it willingly, or offered the leaſt violence, he was ſacrificed to the *Roman* diſcipline, and expiated his offence by death. Certainly the people would have nouriſhed in their breaſts a greater reverence, and more awfull reſpects towards Majeſtie, if they had not beene ill catechized and taught, that *Dei miniſter eſt nobis in bonum*, He is the Miniſter of God, might be conſtrued, the Peoples ſervant; and that a King is but their creature, and therefore in duty is bound to ſubmit to his maker.

The truth is, we finde it called by *Peter* ἀνθρωπίνη κτίσις; the people have a hand in it, this cannot be denied, but we have it in the ſame verſe raiſed into a divine workemanſhip, ὑποτάγητε διὰ τὸν Κύριον, acknowledge your ſelves to be ſubject, ſubmit to the King, or breake not order, in which he is firſt or ſupreame, for the Lords ſake: 1 *Pet.* 2. 13. The worke is taken out of their hands when they have contributed as much as they were able, which was to give up their divided powers, and unite them in him; their act made him the fountaine of all that power which they had, and by conſequence the fountaine of all honour, that alwayes bearing proportion to the former; for to honour is nothing elſe, but to teſtifie by our actions an opinion of ſo much or ſo great power in any one, and therefore the ſame act is expreſt onely in different words, *Feare God, honour the King*: *v.* 17. If they had beene changed to honour God, feare the King, they had ſignified the ſame duty. And therefore it is ſaid, *Servants be ſubject to your maſters with all feare*: *v.* 18. The worke I ſay is taken out of the peoples hands, and God himſelfe perfects it. If it had ſtayed there, if God had not pleaſed to adde to, and finiſh it, yet it had beene moſt true, that no reſiſtance were lawfull; and evidently falſe, that he were *univerſis minor*, becauſe he that hath ſupreame, that is, all their power, is the repreſentative all, he is legally the whole people. But the obligation of not reſiſting, is infinitely more weighty, if

The King is *Dei Miniſter*, not the peoples ſervant, nor their creature.

The King Gods representative, as well as the peoples.

Power over the life of man, from God onely, not from the people.

we consider him not onely as representing the people, but as representing God himselfe. He hath given to him a power of a much higher nature, a part of his dominion over the life of man. The people could not agree together to dispence with Gods precept, *Thou shalt not kill*, nor distinguish shedding blood with the sword of vengeance from murther. It was not possible for any man to give away a greater right over his owne life then he had, *Nemo plus juris ad alium transferre potest, quàm ipse habet*; and he had nothing to doe in the disposall of any others, and therefore except killing a mans selfe be lawfull, the people cannot enable the Magistrate to take away their lives. Hence it follows, though that be lamentable Sophistry in many respects, *Quicquid efficit tale, est magis tale*, urged to maintaine a cleare contradiction, that Subjects are above him whom they have placed over them; yet if it were sound reason, it were a very impertinent argument, because it proceeds upon a false supposall, that the people should *efficere talem*. Because *jus gladii*, (to beare the sword innocently, and to cut off offenders without deserving greater punishment then they inflict, by transgressing against Gods knowne will, *Vindicta mea, ego retribuam*, Vengeance is mine, I will repay saith the Lord,) must referre to God as the author. Magistrates are Θεῦ λειτουργοὶ, Gods Delegates, and not the peoples; Θεῦ διάκονοι, ἔκδικοι εἰς ὀργὴν, Gods Ministers, his revengers, (or as it is better without a comma,) his revenging Ministers to execute wrath. It is very strange the people should be so much abused, as to be perswaded to take upon them Gods Prerogative, and to usurpe his language. *Psal.* 82. 6. *We have said, ye are Gods*; and to contradict Christ, who sayes to his unjust Judge, *Thou couldest have no power* to take away my life, *unlesse it were given thee from above*: but they state it otherwise, unlesse it were given thee from beneath, from us, and we were not so mad as to contract for our owne ruine.

Most of their Writers in their printed sermons and Pamphlets, declaime against this tame behaviour, this obligation not to resist, as an absurd and senselesse thing, and a condition repugnant to mans nature, and unworthy of reasonable creatures;

but

but I must tell them God was not of their opinion, who thought it fit to governe his owne people in this way: who ever was not obedient to what the highest authority did determine, was to die, as appeares *Deut.* 17. 12 13. *The man that will doe presumptuously, and will not hearken to the Priest, (that standeth to minister there before the Lord thy God) or unto the Judge, even that man shall die, and thou shalt put away the evill from Israel.* God commands he should be made an example, that the people may not be tempted to Rebellion; for in the 13. verse it is said, *All the people shall heare and feare, and doe no more presumptuously.* It is worth our notice that here *all the people* are mentioned; if they had agreed together to resist not a pretended, but a reall false sentence, this conspiracy could not turne their sedition into a just warre, it could not take off the guilt of disobedience, though the multitude of offendors might hinder the punishment; *Populi salus, suprema lex,* had beene but a weake plea here.

Gods owne people bound not to resist the supreame Magistrate; therefore this no absurd constitution.

This is urged onely to prove thus much, that all their arguments (which have greatest influence upon the peoples affections) drawne from inconveniences by reason of the faults of Governours (under which the *Jewish* Commonwealth frequently suffered, as appeares by the Prophets reprehensions) may as justly be made against the *Jewish* Government, of which God himselfe was the Author. And that he forbade resistance to supreame authority is plaine moreover, the first of *Joshua*, *v.* 18. *Whosoever he be that doth rebell against thy commandement, and will not hearken to thy words in all that thou commandest him, he shall be put to death: onely be strong and of a good courage.* Hence the weakenesse of that Sophistry (which hath caused these sad distractions) is evident. For they perswade the people, it were madnesse to make such a contract, which upon supposall of bad Governours would leave them without remedy, and therefore take it for certaine truth they made their bargaine wiser. Whereas there is no ground for imputation of folly, for following Gods owne patterne, and yet if it were indiscretion, this doth not void the compact: They are bound to

be honeſt, though they were not wiſe; to plead they were fooles, will not licence them to be knaves.

Lex Regni, as it is called, 1 *Sam.* 10. 25. the fundamentall Law of Government, (of which a Monarchy is but a *ſpecies*) or the right of ſupreame authority is moſt excellently deſcribed by *Samuel*, in the 1. Booke, 8. *cap.* 11, 12, 13, 14, 15, 16, 17. *verſes. This ſhall be the right of the King that ſhall reigne over you: He will take your ſonnes and appoint them for himſelfe, for his charets, and to be his horſemen, and ſome ſhall runne before his charets. And he will appoint him Captaines over thouſands, and Captaines over fifties, and will ſet them to eare his ground, and to reape his harveſt, and to make his inſtruments of warre, and inſtruments of his charets. And he will take your daughters to be confectionaries, and to be cookes, and to be bakers. And he will take your fields, and your vineyards, and your olive-yards, even the beſt of them, and give them to his ſervants, And he will take the tenth of your ſeed, and of your vineyards, and give to his officers and to his ſervants. And he will take your men ſervants, and your maid ſervants, and your goodlieſt young men, and your aſſes, and put them to his worke. Hee will take the tenth of the ſheepe, and ye ſhall be his ſervants. And ye ſhall cry out in that day becauſe of your King which ye ſhall have choſen you, and the Lord will not heare you in that day.* It is not lawfull for you to breake that yoake which ye put upon your ſelves, neither ſhall your teares prevaile with God to take it off your neckes: notwithſtanding ſuch afflictions were fore-told, their reſolution is, to have a King over them, that they alſo may be like all the Nations, and that their King may judge them, and goe out before them, and fight their battailes. *Sit incommodum*, We acknowledge theſe are grievous inconveniences, (*namquid ferè undique placet*, it is the fate of all governments, becauſe managed by men, who may prove vitious, to be unavoidably ſubject to great calamities) *verùm illud comparavimus commodis*, we have weighed the advantages of being ruled by a King, and conceive the probable goods which are conveyed from Regall governement, which are knowne by experience in other Nations, will

over-

over-ballance theſe accidentall evils, however we are reſolved to venture it.

A miſunderſtanding this part of Scripture hath opened a way to two dangerous extreames, which are both falſe, and have produced unhappy conſequences. From *hoc erit jus regis*, ſome conclude his will is his Law; and *quicquid libet, licet*; but this is clearely convinced in the 17 of *Deuteronomy*, where the duty of their King is deſcribed, from the 16 verſe to the end of the chapter.

Others make it a bare propheſie of the tyrannicall abuſe of power by the King which they ſhould chooſe, (if ſo, the people had ſmall reaſon to ſhout for joy at his Inauguration; and ſecondly, this was not fulfilled in *Saul*, for though he proved a Tyrant, yet not in all theſe particulars) and ſo they confound *jus* with *factum*. But it cannot be found in any author that ever *jus* was taken in this ſenſe, *Miſchpat* will not beare this ſignification. When Theeves take away mens goods or their lives, it might as properly be ſaid, *hoc eſt jus Latronum*, this is the right which robbers have.

To finde out the true meaning, we muſt know, that this law was not given as a rule for him to command, but for the people to obey by; it did not excuſe him from ſinning, but diſabled them from puniſhing him for his offences: and therefore it is ſaid, when the ſolemnity of his Inauguration was ended, *Loquutus eſt Samuel ad populum legem regni*, he ſpake not to the King, but applyed himſelfe to the people, and declared their duty. This was not what he ought to do, but what they ought to ſuffer, when a King ſwerved from that rule by which he was bound to governe. For his duty was well knowne, being laid downe many ages before by *Moſes*, and *written in the booke which* Moſes *commanded the* Levites *to keepe in the ſide of the Arke of the Covenant, that it might be there for a teſtimony againſt tranſgreſſors: Deut.* 31.36. ſo that this bindes the people not to reſiſt, though they are oppreſſed; wherefore the cloſe of it is, ſince there is no helpe in man, they muſt onely cry unto the Lord: 1 *Sam.* 10. 18. This ſignification is confirmed by the Civill Law, where we are informed, *jus prætor reddit*,

The true ſenſe of *jus Regis* in *Samuel*.

reddit, etiam cùm iniquè discernit; the meaning of it is explained, *relatione scilicet factâ non ad id, quod ita prætor fecit, sed ad illud quod prætorem facere convenit: L. jus plur. D. de just. & jur.* And in this sense, *summum jus* is sometimes *summa injuria.*

It were happy for all States, if the people were fully instructed in this Text, and could distinguish *Potestatem imperii ab officio imperantis*, the right to governe, from government according to right. For the former is obligatory and stands in full force, though he be defective in the latter.

This middle way, *inter abruptam contumaciam, & deforme obsequium*, neither guilty of stubborne disobedience, or servile complyance, is very safe and honest. For it acknowledges he that hath supreame authority, is subiect to some lawes (for it was truly said by *Harmenopulus*, κατὰ βασιλέως οἱ γένικοι κρασείτωσαν νόμοι, and that of the Emperours is fit to be observed, *Digna vox est majestate regnantis, legibus alligatum se principem profiteri. Adeo de authoritate juris nostra pendet auctoritas: & reverâ majus imperio est, submittere legibus principatum. l. 4. c. de legibus.*) But he is not subject to any judge upon earth, because he hath no superiour. This the *Græcians* called ἐπιτάττειν ἀνυπεύθυνον ὄντα, a government not accomptable to men; and they opposed βασιλείαν such a Monarchy ἀρχῇ ὑπευθύνῳ, to such Rulers as were responsable: *Ambrose* expresses it by *non ullis ad pœnam vocari legibus, tutos imperii potestate.* The reason of these constitutions was grounded upon necessity, which inforced them to place an impunity somewhere, for avoiding confusion. For a circle in government would be infinitely absurd, and of pernicious consequences, when Rulers are placed over us, to challenge a right to rule those Rulers, The Poët very wisely was at a stand:

A necessity to grant impunity to some in all governments, to avoid confusion.

——Quis enim custodiet ipsos
Custodes?——

But these men runne round till they are giddy, all the foundations of government being moved by them, and put out of course, Because they have not setled τὴν πρώτην ἀρχὴν, as *Galen* calls it a supreame power, to whose sentence the last resort must be,

and

and whose determination *jus facit*, that is, though it should swerve from the rule of justice, yet it must have the effect of right; it is binding to all, they cannot call him to accompt for it, and make him responsable for the wrong. His authority is a guard to his person; and though he chance to doe some things not innocently, (for he ought to be guided by the lawes of honesty given to mankinde, and to observe his oath and promises) yet he must doe all safely, because he cannot be punished by any Nationall Law. This impunity makes all resistance which may any way indanger his person unlawfully. *David* clearely determines the case. *Destroy him not*, saith he to *Abishai*, the reason of this *ne perdas* is now of full force, and tyes up the hands of inferiours in every State: *For who can stretch forth his hands against the Lords anointed, and be guiltlesse?* 1 *Sam.* 26. 9. The substance of this anointment, which makes their persons sacred, and not to be touched with violence, remaines even where the Ceremony is not practised. For it is nothing else but *jus regnandi*, the right of supremacy, a true title to reigne over them; and therefore *Cyrus* a Heathen King is called Gods Anointed: *Es.* 45. 1. though the materiall ceremony of powring oyle upon him, was not in use amongst the *Persians*. It is a metaphoricall expression of supereminency, taken from that quality of oyle, which is, when it is mixed with other liquours, to be uppermost.

The Fathers unanimous glosse (which certainly ought to beare greater sway in our actions, then the authority of those men, not knowne to us, but as the causes of our misery) upon *Davids* confession, *Against thee, thee only have I sinned*; *Psal.* 51. 4. pleads for this impunity. Notwithstanding he had abused *Uriah's* wife, and contrived the death of so gallant a man, who forgot what was deerest to him next unto the Kings honour, and would not goe in unto his wife, untill the Kings enemies were destroyed; yet he saith, in the height of his humiliation, he had sinned against God onely, because there was no Tribunall amongst men to which he was responsable. Our Common Law seemes to expresse it selfe in the same sense, *le Roy ne fa tort*, the King can doe no wrong; Though wee may

suffer undeservedly, yet no sense of injuries received can dispence with the obligation of not righting our selves by force.

I have done with my proofes out of the Old Testament, and I desire my readers to weigh how much is concluded, lest they should thinke the application hollow, because all Kings have not the same rights which belong to the Kings of *Israel*.

How much is concluded out of the old Testament to the present case.

First therefore it hath beene shewed, to restraine this liberty of resistance, is a wise government, because of Gods owne institution; and so that temptation which hath strong influence upon many, ought to cease; that it is folly to contract to be obedient in such a way, as may leave them without remedy for great grievances.

And secondly it is evidenced, that the same power which the Judges before, and the Kings of *Israel* after had, is in every State somewhere, that *jus consistens in impunitate delictorum*, a right of not being accomptable for their actions, which fences the person or persons in whom *suprema dominatio* is, and secures them (as strongly as Lawes can doe) from all violence, is either in one man (so alwayes in a Monarchy) or in a certaine body, whose power though abused, must give Law (in order to non-resistance) to all inferiours.

There is a possibility of suffering very great inconveniences, without any lawfull meanes of redresse: It is an unhappy condition we shall live in, if he or they should be Tyrants, and take delight in our oppression. But we cannot helpe it, God out of his dominion might thus dispose of our fortunes and lives, and he declares his pleasure so to doe, and therefore we must choose the least evill, which is, not to resist, and by endeavouring to save our goods or bodies, to loose our soules. Certainely if we were as truly religious as we would be thought to be, we have not any cause to be troubled, though these things should happen to us. If our patience in submission to his precept be chargeable, we make God our debtor; all the taxes and tributes are put upon his accompt, and he will returne them in as plentifull measure, as if we had spent so much charitably, (and we cannot lay out our estate better.) The Magistrate is Gods receiver, as well as the poore. He commands part of our revenues

No hard Law to require from us Non-resistance.

nues in him, in those he seemes to intreat: that is to pay debts, this comes nigher to a courtesie, and therefore we might better excuse our uncharitableness, then our resistance. But what if their cruelty extend to the hartheſt, and endeavour to take away our lives wrongfully?

These are justly deare to men, and much is done to draw out a few yeares, (notwithstanding our comforts are interwoven with sorrowes, our feares are oftentimes above our hopes, most of our dayes are cloudy, and over-cast with melancholyes, and the discontents arising from our wants (which are as vast and unbounded as our desires to have) are much greater then the narrow pleasures of enjoyment, which is confined to a few things, the stroaking of fortune being not so delightfull, as her blowes are grievous:) but what value ought we then to set upon eternall life? how highly ought we to prize those everlasting joyes, which still quicken, and still satisfie the appetite, and what should we not suffer, rather then forfeit these? This is the present case, He that by resisting saves his life, (a doubtfull good, and of no long continuance) looses that happy being, which God hath promised to such as submit to his commands, and he that looses his life is a great gainer, he falls a Martyr of justice, and shall be raised a Saint into glory.

The same obedience which God required of the Jewes under the Law to be shewne to their Judges and Kings, and as high a degree of patience Christ injoynes his followers under the Gospel, towards the highest powers. And there is great reason wee should performe this duty more cheerefully, because our Saviour hath commended persecution to all those (who will live godly, and that both by precept and example. His method was *facere & docere; he began to doe, and teach*; and it is not much different in the end, *docere & pati; to teach patience*, and confirme his doctrine by his sufferings: wee must take out the same lesson, for the promise is conditionall, *si sustinebimus, if we suffer with him, then* (and not else) *shall we also reigne with him*, Rom. 8. 17. Rebellion in Christians is a most prodigious thing, wee having plaine and peremptory commands for obedience, and a certaine and ample requitall for all the charges of

The same duty of Non-resistance injoyned by Christ in the Gospel.

our honesty. That Heroicall speech of *Socrates*, ὡς ἀποκτεῖναι μὲν δύνανται, βλάψαι δ' οὔ, *It is in their power to kill me, it is not in their power to hurt me*, carryes in it the flame of true Religion; the Apostle expresses it higher, *for us to die is gaine*, *Phil.* 1. 21.

The Jewes more excusable in case of rebellion.

The Jewes wanted not some colours of reason to justifie their impatience in this case; for it was a strong temptation not to be willing to be cut off, when their blessings were temporall, the chiefe of them being length of dayes, and upon which all the rest depended, and must necessarily end with their lives. And yet they submitted to those Lawes, which entrusted their fortunes, and being in the hands of the supreame Magistrate, *Jos.* 1. 18. This power in succeeding times was often abused to their destruction, and they gave themselves up to the slaughter, upon hopes not grounded in any set promise, but only in the free goodnesse of God, whom they thought to be a better master, then to let any man be the worse for doing him service.

Christians have not any colour for it.

But a Christian cannot have any shadow of scruple. St. *Peter* failing in this duty by resisting the Magistrate in defence of his innocent Master, hath taken speciall care not to be imitated, and therefore informes us largely with the full extent of Christian patience. I will first lay downe the grounds for which our Saviour reprehended him, and I desire they may be seriously pondered by such as are more inexcusably faultie, and then I shall take his precepts into consideration. Much may be alleadged in *Peters* justification, and yet all will not excuse him, *Put up thy sword again into his place*, sayes Christ; if he do not, he threatens the punishment of murder to him, *all they that take the sword, shall perish by the sword*, *Matth.* 26. 52. It concernes them sadly to apply, who pretend resistance, but are really invaders, and therefore cannot make so faire a plea. First, it was a sodaine and unexpected assault, no meanes of escape did appeare. Secondly, their violence armed with Swords and with Staves as against a thiefe, did evidently aime at the life of his Master; and he might not without reason suspect his owne in danger. Thirdly, he kept the lawes of that which is called

inculpata

inculpata tutela, innocent defence; he did it in the instant, not after deliberation, when hee might have thought of other wayes of safetie, and he had no advantage of Weapon, and he did not kill outright, but onely wounded a servant. Notwithstanding all this he is rebuked by Christ, who makes satisfaction for his offence by a miracle. And the sense of this correction made so deepe an impression, that he after warned others of their duty, when they suffer in the like persecution. *Let none of you suffer as a murderer, &c. yet if any man suffer as a Christian, let him not be ashamed; but let him glorifie God on this behalfe. For the time is come, that judgement must begin at the house of God. Wherefore let them that suffer according to the will of God, commit the keeping of their soules to him in well doing, as unto a faithfull creator*, 1 *Pet.* 4. Though this might serve turne, yet he speakes more home in another place; *Submit your selves to every Ordinance of man for the Lords sake, whether it be to the King as supreame, or unto Governours, as unto them that are sent by him for the punishment of evill doers, and for the praise of them that doe well. For so is the will of God, that with well doing, you may put to silence the ignorance of foolish men. As free, and not using your liberty for a cloake of maliciousnesse, but as the servants of God, &c. Feare God, honour the King. Servants be subject to your Masters with all feare, not onely to the good and gentle, but also to the froward. For this is thank-worthy, if a man for conscience towards God, endure griefe, suffering wrongfully. For even hereto were you called. Because Christ also suffered for us, leaving us an example, that yee should follow his steps who did not sinne, neither was guile found in his mouth*, 1 *Pet.* 2.

The case of resistance inforced with greatest advantages, yet condemned.

The case of resistance is here inforced as highly as favourable circumstances can raise it, and when the most possible limitations are put in, yet it is concluded unlawfull; we must submit as Christ did, though we should be as innocent as he was, and though *vires non deessent*, wee were sure to make good our opposition; for he could have summoned an army of Angells in his defence: Wee are bound to submit not only to justice, but to injuries also, and to be obedient as to *good and gentle* masters,

so likewise to the *froward*, to *bad* as well as *good* Kings, their failing of their duty, not licensing us not to performe ours, nor dispensing with our loyalty. This is evident, because the reasons annexed equally inforce this duty in Subjects as in Servants. Though liberty be our birthright, yet it must not be made the cloake of sin, it takes not off those bonds with which God hath tyed up our hands from fighting against the supreame power. No lifting up private swords against the sword of justice, ours against Gods weapon, *Deus resistet*, wee shall have an ill match of it.

It is well worth our observation, that though the Apostles maine worke was heaven, yet they are very sollicitous to settle our quiet upon earth, by enforcing obedience unto government, Saint *Paul* delivers the mind of God most fully, most plainely. He could not have expressed the duty of Subjects more punctually, if he had lived in these last and worst times, wherein his doctrine seemes a kinde of tame folly; as once much learning, now much Religion hath made him mad. Our Saviours prophecy is fulfilled, of faith failing amongst men, they thinke it unreasonable, to be bound to submit to certaine present evills, out of hopes of future good, and to be abused by bad Magistrates, upon expectation to be righted hereafter; and charity waxeth cold, it must no longer be ranked amongst Christian duties to preferre publique good to private interest, the peace of the Church and tranquility of the State to our owne profit or safety. No, *we must stand fast in the libertie wherewith Christ hath made us free.* We are not so indiscreet to submit to any triall by law, because we may meet with corrupt Judges; *patrocinium peccati, multitudo peccantium*, our number ought to make us safer then innocence can them; it is madnesse to be hanged, when we are more then those that should hang us; we may call our selves the commonwealth (for this is some where, and the lesser part hath lesse reason to challenge it to themselves) and then *Populi salus, suprema lex*, what ever conduces to our safety, becomes law to the Kingdome. If any malignant and ill affected persons object the breach of knowne lawes by us, We must tell them, they are abrogated by equity, because

if

if they ſhould ſtand in force, they would deſtroy us. The truth is, theſe men antedate that prophecy of Chriſt (as they have done many beſides) *He ſhall put downe all rule, and all authority, and power.* 1 Cor. 15.24.

This is clearely done by their practiſe, Kings are diſhonored in the feare of God, and I neede not ſay *quid verba audio, cum facta videam*, for their profeſt principles maintaine it. If they are not of the true religion, that is, make not the peoples opinion their Creed, or if they do not governe to the advantage of the Saints, that is, joyne not with them in thoſe deſignes which they chriſten *Gods glory*, and *the great worke*, the *pious Reformation*, then becauſe they are no longer *Dei miniſtri in bonum*, Gods miniſters for their good, they are *ipſo facto* diſcharged of their Magiſtracy; not Gods holy ones, but their owne vices have depoſed them, and ἐξουσία their lawfull authority is not oppoſed by them, but their perſons only, they fight againſt the man, and not the Magiſtrate. This is the doctrine which hath produced ſuch miſerable things in the Chriſtian world, to the ruine of many States, and what is more lamentable, the deſtruction of millions of ſoules. For upon thoſe grounds many have beene induced to fight againſt God, and periſhed in their ſin, and too many are ſo farre ſcandalized at it, that they ſuſpect the truth of Chriſtianity, concluding within themſelves, that if we did really beleeve that Goſpel, which wee outwardly profeſſe, and if we were perſwaded thoſe precepts laid downe by the Doctor of the Gentiles, ought to be the meaſure of our practiſe, (for he injoynes ſubjection though to tyrants, for ſuch were the Roman Emperours then, and the Kings in thoſe times *Reges gentium dominantur earum*) the moſt wicked Magiſtrates, and thoſe that tooke greateſt delight in cruelty and oppreſſion, will ſooner be weary in doing injuries, then we could be in ſuffering.

Let every ſoule be ſubject unto the higher powers] πασὰ ψυχὴ, all are included, not any one can plead exemption, we may ſay with the Apoſtle, only he is excepted to whom every ſoule is ſubject. If every member ſhould be commanded to be obedient to the head, they could not lawfully oppoſe upon joynt conſent, Paraphraſe upon part of the 13. to the Rom.

ſent, and ground their excuſe upon a metaphiſicall abſtraction of the body from thoſe of whom it is compounded. The reaſon is becauſe the action of the body is conſtituted of the particular acts of each member, the joyning of ſo many perſonall acts makes up the act of the civill body, and if it be a fault in any one, it doth not take off the guilt, that he ſins in conſort and offends with companie. This notion of univerſall ſpeculatively diſtinguiſhed from ſingulars is ſo farre from changing the morall nature of actions, that the act of the body (which is created by law, and civilly compleated by the conſent of a major part) may be ſin, and yet many members, as the leſſer part who do not contribute their votes, ſhall be innocent, becauſe men are accomptable only for their perſonall deeds.

ὑποτασσέσθω] Let every one be ſubject, keepe under, in due rank and order. Now ſeeing that in all order there muſt be ſome firſt, all others muſt ſubmit to this, and this *non poteſt in ordinem cogi, ab aliquo*, cannot be legally ordered by any, becauſe there is not any upon earth, *prior primo*, before the firſt, and higher then the ſupreame. If he breake his order, he is reſponſable to him only that is above him, who is God.

Regum timendorum in proprios greges
Reges in ipſos imperium eſt Iovis.

Theſe higheſt powers ὑπὸ τοῦ Θεοῦ τεταγμέναι εἰσίν. God is *ſuper deos*, and orders them as he pleaſes. So that the wronged people muſt onely cry unto the Lord, as the Jewes were directed in their hard condition; And Saint *Ambroſſe* is ſenſible of this obligation, *repugnare non novi; dolere potero, potero flere, potero gemere, &c. aliter nec debeo nec poſſum reſiſtere.* Leaſt Chriſtians ſhould be more ſtiff-necked then the Jewes, who bore this heavy yoke, Saint *Peter* preſcribes their behaviour and tells them it is a part of their calling (and unleſſe they performe their vocation, they cannot make their election ſure) to imitate Chriſt thus farre, *who when he was reviled, reviled not againe*, no diſhonorable ſpeeches, no reproachfull language from him, which yet falls ſhort of the meditated malice of the pen, *when he ſuffered he threatned not*, no killing and ſlaying ſo much as in words, and no people can have greater innocence, and no Governour greater

greater faults, but *he committed himselfe to him that judgeth righteously*. 1 Pet. 2.

Ἐξουσίαις ὑπερεχούσαις [*unto the higher powers*] Hereout they endeavour to picke some advantage; for, say they, by the same Logick, as we conclude impunity due to Kings, and so all resistance unlawfull, we must be forced to inlarge this priviledge, and communicate it to all Magistrates whatsoever, because they are higher powers also. But this immunity is overlarge by our owne confession, as repugnant to all States, and therefore seeing we cannot justifie the inference in its full latitude, we cannot reasonably collect any thing. These men strangely mistake the grounds of our deduction, their strong fancy against it, not permitting them to take the reason of it into due consideration, we confesse thus much is concluded for all Magistrates (such are they to whom the King deligates his authority) that it is not lawfull for any that are under them to make resistance; as a private man may not oppose a Constable, nor a Constable a Justice of peace, nor he a Judge; So common Souldiers cannot punish a Lieutenant (except by vertue of a Commission from the Generall, and then they are above him, as being made Magistrates to execute martiall law upon him) nor he a Colonell, nor a Colonell the Generall, they being but private men in reference to one above them; and so Kings in Monarchies (and proportionably in Aristocracies those persons, in whom the supreame power is placed, which are the major part consenting) are not judicially accomptable to any, because they are the highest. Thus much Scripture evinces, the civill law confirmes, reason suggests, and the practise of all States hath imbraced it.

Lawfull to resist inferiour Magistrates if they oppose the supreame.

For there is no power but of God] Here is the cause of obedience rendred, this right to governe, is not onely by his bare permission, so theft and murder are, but it is his constitution, and by vertue of this, the Apostle collects that honour is due to their persons. I have proved formerly that such power could not be, εἰ μὴ ἀπὸ Θεοῦ, unlesse it were of God; the people could not dispense with divine precept, *non accides*, thou shalt not kill.

The powers that be, are τεταγμέναι, *ordained* or *ordered of God*, This is his ordinary providence by which he hath thought fit to

governe the World, and we must submit to it, till he declare his will to the contrary; nothing can take off this obligation but expresse revelation. And we have some new Enthusiasts, who are going on to this height of fury; Me thinkes it should startle all good men, to see some interpretations of obscure prophecies out of *Daniell* and the Apocalypse cast out to justifie the breach of plaine duties.

Whosoever therefore resisteth the power, resisteth the ordinance of God;] Here is faire warning, take heed what ye do, you have a terrible enemie to encounter with, it is Θεομαχία, a fight against God; You cannot flatter your selves with a prosperous issue, for those *which resist shall receive to themselves damnation.*

Against that distinction of the authority from the person.

Lest any should be so miserably besotted with a senseless distinction (as it is misapplied by them) of the authority from the person, as to incurre the danger of this fearfull commination, he joynes them together and uses them promiscuously, and in the prosecution inforces that, by mentioning the persons, which before he had attributed to the powers. Whosoever resisteth the power, resisteth the ordinance of God, and they that resist shall receive to themselves damnation; it immediately followes, *For rulers* ἄρχοντες, not ἀρχαὶ, *are not a terrour to good workes but to the evill.* Then he comes to the authority againe, wilt thou not be afraide of the power? doe that which is good and thou shalt have praise of the same; *For he is the Minister of God to thee for good,* there he concludes with the person.

Observe with what vehemence he repeates this duty, though fully delivered before, as if his mind misgave him concerning these rebellious times. *Wherefore you must needs be subject.* A necessity is laid upon us, and woe unto us, if we be not subject. we have two powerfull motives, *not only for wrath, but also for conscience sake* As for feare what the Prince *may* (for rebellion seldome prospers; Traitors are unfortunate gamesters, though they win at first, they are most commonly terrible loosers in the close) so what God *will* inflict. You have his word for it, you are *damn'd* if you *resist.*

Though Rebels should get the start by seizing his ammunition, Forts and Ships, and you have cause to thinke your loyalty will

will disadvantage you, when a King is in fight too weake; yet be wary what you doe, God oft times raises up strength to him, beyond mans expectation, and the event shewes, those which continue honest are most truly wise. The heads of the rebellion shall be brought to condigne punishment, and their memory be odious amongst all good men. 'Tis true, to bee subject to present plunder is a strong temptation against duty (yet upon a generall survey ye shall finde they take not much more from their enemies, then they force their freinds to give; they have no great reason to brag of being savers, it hath cost them very round summes to loose their soules.) But yee see how much the King indulges to this feare, (I know not whether God will pardon so easily, for if feare of loosing by being honest, bee a good excuse for neglect of duty, hopes of gaining by playing the knaves, may as reasonably bee pleaded) so unwilling is hee any should suffer for his sake. How often hath hee been pleased graciously to forgive, upon that easie excuse, they did not dare to be his friends; that is, they were his enemies, not out of spight and malice, but onely for their own advantage; and hee is content, not any should loose for him. O let not his goodnesse move you to have a hand or purse in the evils which are brought upon him and the whole land. Betray not your bad tempers so farre, that it should appeare you will doe more for feare then love, lest your base nature may induce hereafter a stricter govenement, when experience doth demonstrate the worst masters have the best servants. Let not his lenity, which doth deserve to finde freinds, bee the onely cause he hath so many enemies. If I must direct my speech as unto cowards (for you have no excuse for disloyalty, but your feares) consider with your selves, how God hath blessed his servant with three potent and successfull Armies (all of them raised with such disadvantages, as they clearly speake an immediate providence giving testimony to the sincerity of his many sacred protestations) beside many hopefull Seminaries in divers Countries, and thousands of gallant Gentlemen, and brave spirits in other Shires, now unfortunately situated (*O tristi damnata loco*) who wait for an oportunity to revenge their tame suffering hither-

God is to be reckoned of the Kings side, who will overballance their greatest forces.

to, and the unworthy usage from fellow Subjects. If notwithstanding all this you could unreasonably flatter your selves with being the stronger side, yet you have juster and greater feares elsewhere, which ought to give Law to your cowardise, which hath betrayed your alleagiance. For what would it profit you, if you should save your houses from being plundred (though this is the most probable way to hazard your estates, which are forfeited to the King, cannot bee escheated to them) and loose your soules, for which the whole world is but a base price? There is evident danger in fighting against the King, but the Apostle threatens certaine destruction because you fight against your own consciences.

Their severall exceptions and corrupt glosses by which they endeavour to avoyd this plaine obligation of non-resistance, I shall meet with in the fourth section.

The duty not to resist proved further by the practise of the more innocent ages of the Church.

The practise of primitive Christians is a faithfull commentary upon these texts. And certainly their authority, (who witnesse to their own disadvantage, teaching submission though to tyrants, under which they cheerefully suffered according to Christs example) ought to prevaile with us above any moderne writers, who have broached a doctrine (very seasonable for some places and occasions, but unknowne to those innocent times, when Christianity thrived upon suffering, and gained as much by patience, as it is likely to loose by stubbornesse) that it *is lawfull for inferiour Magistrates*, say some, (*and this from the fundamentals of government*;) *for the people*, others, tells us, (*and this from the law of nature*) to *right themselves by force, if the supreame Magistrate deny to do it, and so faile of that trust, which was committed to him for the good of others.* These principles lately taken up, open a faire way for advancement of private ends, by disturbance of publique peace, either upon reall (which oft times are) or at least pretended faults in governours which shall never bee wanting, whilst there are ambitious men who want preferment, and desire to have what others are possest of, and make it a reasonable cause, to endeavour innovation, because they may bee bettered by the change. In what an unhappy State doe we live, if such a number (upon pretence we

are

are not so well governed as we might bee, that is, they have not so great a share in the government, as they could wish for, and since the greater part can never be satisfied, we cannot hope for peace and quiet) shall bee enabled to force the King to recede from lawes and in the room of those known and standing rules, to give us uncertaine temporary ordinances.

The Emperours were for the most part very bad, but especially to the Christians they were hard Masters. Though the Romans counted it the highest gallantry, to shake off the yoke when it galled them, and did oft rebell in the cause of liberty: (and it is a sad thing that this pagan bravery should be preferred to the tamenesse which Christ injoyned to his followers; *of all good actions the murder of a tyrant is most commendable*, sayes one. Euseb. Philad. dial. 2. And *Buchanan* thinkes it a defect in policy, that *rewards are not allotted for such meritorious deeds*) yet the Christians could never be tempted by their greatest sufferings to joyne in any conspiracy. *Tertullian* professes their innocency, and he is to be looked upon in this case, not as a single witnesse, but as one that wrote in the name of all; his Apologetique is the sence of the whole Church. Wee may be confident of the truth, because it was a matter of fact, and we have no reason to suspect he could be so vainly impudent as to present that in their justification, which must bee evidently convinced of falsehood. He makes a bold challenge, and desires them to produce if they can one example of any Christian taking part with rebells. Such as *Cassius*, *Niger*, *Albinus*, *Cleander*, *Ælius Letus*, the *Pretorian souldiers* (who murdered *Pertinax*) *Stephanus*, and *Parthenius* were. It is manifest these were not traitours out of wantonnesse, there were just grounds for heavy complaints under *Domitian*, *Commodus* and *Septimius Severus*, all bloudy tyrants. Yet the Christians were better catechised, then to thinke resistance lawfull, when they were oppressed by those whose duty it was to have protected them. Their unanimous confession is, *nos judicium Dei suspicimus in imperatoribus, qui gentibus illos præfecit.* I shall give you the sense of it at large. Wee kisse the hands which wound us: though they have not any cause to doe such things, yet there is

too much cause why we should suffer them, we must acknowledge our sinnes towards God, and he may punish them in what way he thinkes fit. We cannot deny, but we have deserved as great afflictions, and shall we, who are guilty be stubborne, when patience is required, though we were most innocent? The example of Christ is made our law, and in him no sinne was found. We cannot suffer more, nor boast lesse demerit. If we did seriously consider it, we could not hate the worst governours, for we have no reason to be angry, because they do things to our advantage, and certaine it is, if we submit with patience, their sins further our salvation, their faults encrease our glory. What pitty is it, they should goe to Hell, for that which procures us a higher place in Heaven? Nay what uncharitablenesse is it in us, to cut them off in their sin, and so send them thither? And it is a sad meditation, to think that that we shall follow; because we could not indure their company here, we take a course to live together eternally miserable.

Cyprian inforces this meeknesse with excellent reason. *God* (saith he to *Demetrian*) *is the revenger of his injur'd servants:* in which this argument is implyed, Vengeance belongs unto the Lord, and except we can produce his Commission, our private justice will damne us; *animam in vulnere*, in our enemies wounds our soules will bleed to death: 'tis madnesse to strike, when we are certaine the blow will recoyle to our eternall destruction. Therefore the Apostle commands, as we wish well to our selves, to *recompence to no man evill for evill: Rom.* 12.17. Selfe-love is the motive why we should not hurt others. He exhorts by the naturall affection which is due to our selves, not to *avenge our selves*, μὴ ἑαυτοὺς ἐκδικοῦντες, but *rather to give place unto wrath: v.* 19. The wisedome of God hath introduced an excellent temper in government, and such as the sense of great evils prevailed with men to esteeme very good, and confirme it by their lawes. *Honorius* and *Theodosius* tell us, *judicierum vigor, juríſque publici tutela videtur in medio conſtituta, ne quiſquam ſibi ipſi permittere valeat ultionem.* That of *Claudian* is true in this sense also:

Private revenge unlawfull.

Qui fruitur pœnâ, ferus eſt.

Injur'd

Injur'd men are over-paſſionate, and eaſily tempted to cruelty.

Amplius ex irâ quòd enim ſe quiſque volebat
Vlciſci, quàm nunc permiſſum eſt legibus æquis,
Idcirco eſt homines pertæſum vi colere ævum.

Upon theſe conſiderations God hath made revenge unlawfull, and beſide this obligation of divine precept, our hands are tyed up as ſtrongly as faith of promiſe can do it. This Covenant knits ſociety, and cements the civill body. Though we do not onely fancy grievances (as the world is full of ſuch miſtakes) though we are really injured, yet it becomes injuſtice to right our ſelves. All the accompt we can give at Gods Tribunall, is onely this, we did not ſinne firſt. And this plea will afford miſerable comfort to be damn'd after another. That none might be tempted to ſtrike, becauſe others hands are bound up from returning the blow, God hath appointed a middle way to deterre men from doing evill, for feare of ſuffering it in as high a degree. For *Tertullian* ſayes true, *diſciplina intereſt, injuriam vindicari. Metu enim ultionis omnis iniquitas refrænatur.* The fountaine of our actions is the opinion we have of the good or bad, we ſhall receive by them; if they appeare certainly hurtfull, and that we ſhall ſuffer by ſo doing, we moſt commonly forbeare, I doe not ſay alwayes, becauſe the will may thwart the underſtanding, elſe it were not free, and experience ſheweth, that ſometimes a leſſe good preſent, doth overweigh a future, though certaine greater evill. God will judge our cauſe, and revenge us upon wrong doers; but he performes this not immediately, but by his Magiſtrates. He delegates his authority to them, and Saint *Paul* proclaimes their Commiſſion in theſe words, *There is no power but of God. Quicquid per officiarios facit, per ſe facere videtur*, what they doe are legally his acts, we have no right to reverſe them by a ſtrong hand. If an inferiour Magiſtrate gives falſe judgement, God grants a liberty of appeale to him in a higher Magiſtrate, if he confirme the former unjuſt ſentence, it is lawfull to proceed by way of appeale, till we come to the higheſt; but then becauſe God hath appointed a peaceable end of controverſies, we muſt ſit downe with the preſent loſſe, being fully aſſured God will judge this

Judge;

Judge; we ſhall have another day of hearing in Heaven, and all damages ſhall be amply repaid. If we did beleeve this, our unnaturall diviſions would ceaſe, that is, if we were truely Chriſtians, we would not doe as we have done, we could not reſiſt the higheſt power. I have warrant to ſay it, *Here is the patience and faith of the Saints: Rev.* 13. 10. they beleeved, therefore they ſuffer'd.

Upon ſuch conſiderations *Cyprian* grounds the *duty*, and ſhewes the *practice* of the Primitive Chriſtians was very conſonant. *Inde eſt quòd nemo noſtrum, quando apprehenditur, reluctatur: nec ſe adverſus injuſtam violentiam veſtram, quamvis nimius & copioſus noſter ſit populus, ulciſcitur.* For this cauſe not any one of us doth make reſiſtance when you apprehend him, nor revenge your unjuſt violence: *Patientes facit de ſecuturâ ultione ſecuritas.* God is able to reward our patience, and to requite all our ſufferings. If we tooke delight in the miſery of our perſecutors, we might be abundantly comforted. But alas we pitty them, and grieve more for their deplorable condition, then our one torments. God will avenge our innocent bloud more ſeverely, then any good man can wiſh for. *Tertullian* expreſſes the ſame in his eloquent manner. *Satis idoneus patientiæ ſequeſter Deus eſt.* Our goods are not taken away, they are ſequeſtred for our benefit, and intruſted in ſafe hands. God keepes them for our uſe, and will returne them with ample increaſe. *Si injuriam depoſueris penes eum, ultor eſt*, if you will not fight, he will undertake your quarrell, and you need not doubt but your enemies wil be ſoundly worſted; *Si dolorem medicus eſt*, your wounds ſhall ſave you, *Si mortem reſuſcitatur eſt*, if you fall a Martyr, you ſhall riſe a Saint. *Quantum patientiæ licet, ut Deum habeat debitorum?* what cannot our ſufferings do? they make even God our debtor; he owes us Heaven for our ſelves, and he owes us Hell for our enemies, but we breath out our ſoules in prayer, that he may be intreated not pay this.

The example of the *Thebane* Legion commands our imitation in the like cauſe. It is one of the nobleſt paſſages in all the eccleſiaſticall ſtory, wherein Chriſtianity did ſhine forth in its full luſtre, and it affords plentifull light for our direction. This

band

band consisted of almost 7000 men, all Christians. When the Emperour *Maximian* commands the whole Army to offer Sacrifice to false Gods, they remove their quarters, that they might avoid (if it were possible) this occasion of discontenting the Emperour. He summons them to performe their parts in this deviliſh worſhip. They are forced to returne an humble deniall, and their reſolution not to diſobey God, for whoſe ſake they had ever beene and would continue faithfull ſervants to him. The Emperour unſatisfied with this anſwer, puts them to a decimation; They ſubmit with much cherefulneſſe, and dy praying for their murderer. After this ſad ſpectacle his commands are renewed, but prevaile nothing upon the remainder. Wherefore they alſo are butchered without the leaſt reſiſtance; There was no delay in their death, except from the wearineſſe of the executioners. This was truly to confeſſe him, who was led as a ſheepe to the ſlaughter, and like a lambe opened not his mouth, and they a flocke of his fold, were quietly devoured by ravening wolves. The Commander of this Regiment, *Maurice* could not containe his joy, when he had ſeene the firſt decimation gallantly ſuffered. How fearefull was I, ſayes he to his ſurviving ſouldiers, (for armed men may be tempted to defend themſelves) leſt any of them upon colour of juſt reſiſtance for ſelfe preſervation in an innocent cauſe, ſhould have ſtrugled againſt this bleſſed ſlaughter. I was watchfull, and had Chriſts example in readineſſe, who commanded his diſciple to put his ſword into his ſcabberd. *Salus veſtra non periclitabitur, niſi veſtris armis*, if you uſe not your weapons, I have Gods owne warrant for your ſafety.

Deſpaire it ſelfe could not conquer one ſingle patience, which yet creates valour in cowards, and makes them more couragious in ſuch extremities, becauſe they are fearefull; Since they are likely to endeavour moſt to preſerve life; who are moſt terrified with death.

It would be more wearisome to me, then delightfull, or profitable to the Reader, to inlarge my proofes by that plenty of authorities, which offer themſelves in the ancient Fathers and many Councels. The truth is, the labour is needleſſe, their practiſe

is so evident, that the greatest friends to Rebellion, will not betray so much ignorance as to deny it. They are forced to grant that they doe such things, as those great lights of the Church, those holy men, though infinitely more oppressed then they can pretend to, durst not venture on. Thus farre we both agree. But why durst not? Here they shew themselves; not because to resist Tyrants would have beene a wicked, but a vaine attempt; *vires deerant*, they were not able to go thorough with a Rebellion; what the Heathens admired as *extraordinary goodnesse*, (many of them being converted by this religious confidence, reasonably concluding, men that approved themselves very prudent in all other matters, could not be guilty of such madnesse as to die thus, unlesse they had good hopes to bee recompenced in another life) these fomenters of strife call *weakenesse*, to the unspeakable scandall of such as have a true sense of godlinesse. It is an insufferable blemish to their innocence, and staines the pretious memory of those blessed Martyrs. If this were indeed true, that they wanted not *will*, but *power* to destroy, we can hardly blame their persecutors, who thought it wisedome to prevent the blow by striking first: it seemed but killing the Cockatrice in the egge; they had small encouragement to cherish frozen Serpents in their bosome, who when they had recovered warmth and strength, would dart their poysonous sting at their preservers. Certainely they had an extraordinary confidence they should prevaile, else they would never so openly have discovered such principles, and instructed States to provide better for their security hereafter, by utter disabling them to doe any hurt. These men cry out against *Popery*, and yet professe what all *good Protestants* esteeme the most malignant part of *Jesuitisme*. If this evasion will not hold, they know not what to say for themselves, and it may clearely be convinced of falshood. For this very objection is made by the Ancients, and answered to our hands by themselves. So carefull were they that posterity might not mistake their *goodnesse*, and thinke it nothing else but an *impotency* to do evill. The Fathers speeches, which witnesse sufficient strength, if religion had not tyed their hands, cannot be imputed to any over-

Not want of strength the cause of their patience.

reaching,

reaching or lying to gaine reputation to their sufferings (as M. *Goodwin* insinuate in his Anticaval. and we shall anon take notice of it) our enemies would bee extreamely glad to see their own art thus credited. But we have no reason to conceive them so impudent, and we may be certaine, they were not so mad, as to face downe the Emperour, and their other potent adversaries (who would make great advantage of their so manifest untruths) by affirming what they must evidently discerne false, and could not choose but see the contrary.

Cyprian saith expressely, *Quamvis nimius & copiosus noster sit populus*, though we have competent forces more then enough to do the businesse, yet we wrestle not with our oppressors, &c. The *Theban Legion* was in a posture of resistance, but they durst not lift up those hands into which the Emperour had put weapons, against his personall commands, though most unjust, most bloody, six thousand six hundred and sixty six men of such extraordinary valour, as did not entertaine the least feare of death might probably have conquered (and this cruelty might have increased their party by the defection of male-contents) but they must certainely have made some sport for their lives, they could not have wanted that comfort, which to some tasts is beyond the pleasure of life, to die revenged. Besides had not the Emperour and his under princes known them true Christians, and been acquainted with the tamenesse of that profession, towards the highest power, he would never have hazarded a rebellion by making so considerable an army desperate.

I will conclude this with Tertullian, who argues very handsomely, after hee had spoken to this sence; we are so numerous you can hardly see one another for Christians, *cui, inquit, bello non idonei, non prompti fuissemus, etiam impares copiis, qui tam libenter trucidamur?* Though wee had not the advantage of number, Which yet you perceive wee have, *numeri damnum virtus pensaret*, courage would supply this defect, and though fewer, since we contemne our own lives, we might be masters of yours. We could undoe you, not if we should rebell, but if we would be idle; we doe not fright you so much, as to desire

you, to fancy us fighting againſt you, you were loſt if wee did not fight for you. What would become of you, if wee ſhould turne *Separatiſts? Si tanta vis hominum*, if ſuch multitudes as we are ſhould breake out from amongſt you into any corner of the world, your Empire would ſinke for want of ſtrength to ſupport it. Your Cities would ſeeme deſerts without us, &c. in that thin remainder you would have many enemies, though but few men. Even now they would rebell, if they were not awed *multitudine Chriſtianorum, pene omnium civium*, by thoſe multitudes of us, who are of ſome ranke, almoſt all of us Citizens, and almoſt all the Citizens are of us. Our example invites ſome to obedience, others feare our readineſſe to be commanded to reduce them to due ſubjection. *In Apologetico.* I may adde his other ſpeech in the ſame place, *veſtra omnia implevimus*, wee have filled your Cities, nay *caſtra ipſa*, your very camps would be empty without us Chriſtians. It is not poſſible to bring in more expreſſe, more clear teſtimonies in any matter, it is too probable, ſuch as have made a ſearch, are blinded with intereſt, and ſhut their eyes that they may not ſee this truth. I know not how to excuſe *Bellarmine, Alaine, Ficlerus, Simancha, Buchanan, Hottoman, Knox, Brutus*, for theſe were ſchollers; and therefore not ſo likely to bee deceived themſelves in ſuch an eaſie truth, as upon deſigne to deceive others. But I have a more charitable opinion of moſt of thoſe men, with whom we have to deale, though ſome have diſcovered plenty of malice, yet they are very few, of whom we can ſay, *ad evertendam rempublicam ſobrii acceſſerunt.* Some are *Enthuſiaſts*, and miſtake their own fancy for the Spirit, and the greater part doe this miſcheife out of ignorance, drawing out of broken ciſterns, the ſeditious writings of the *Roman* and the *Reformed Jeſuites*, and tranſcribing one another, and ſo are taught and teach to deſpiſe dominion, and ſpeake evill of thoſe things which they know not.

§ 3.

§. 3.

I Make no question the proposition is now evident, that the supreame power in any State (let it be where it will, somewhere it must be, for else it were an Anarchy, and no government) ought not to be resisted. This makes rebellion sin, as transgressing divine and humane lawes. In the next place, for the perfect direction of conscience, wee must examine, in whom the supream power is placed; a mistake in this is as dangerous, as an errour in the former. For as zeale, which is not according to knowledge, is impiety; for though it have the heat, it hath not the light, which is required to true devotion; so the most scrupulous obedience is but humble rebellion, if it bee misplaced, and yeelded to fellow Subjects against him who hath *jus regnandi*, the right to command them. Thus in an Aristocracy to aide one man against the Senate, is Treason against the State, and in a Monarchy (because the constitution is different, and places the supreame power in one) to aide the Senate (of which that one is the head, and opposed to him, they are but a liveleſse trunke in order to those things to which his influence is necessary, *Fortescue* warrants the expression, *sine capite communitas non corporatur*) against the Monarch and supream Ruler, is rebellion and treason against the State. The Assumption therefore shall be,

Most necessary to know the subject of Supremacy.

The King of ENGLAND *hath this supreame power.*] when this is proved, the conscience must take law from this necessary Inference, therefore it is unlawfull for Subjects to hold up armes against the King of *England*: Because as it is an absurdity in speculation, so it is sinne in practice to deny the conclusion; there they offend against Logick, here against Religion also. For whatsoever is not of faith, that is, not of judgement, whatsoever wee doe against our own reason, and the light of conscience, is transgression.

The matter of this discourse is of high concernment. For as things now stand, on it hang Heaven or Hell, our salvation or eternall damnation. If the King be the highest power, you are

bound to ſubmit to him, but if you have new Soveraignes, if your fellow Subjects are become the Lords anoynted, there may be ſome colour of juſtification. Except this be proved, you are altogether inexcuſable, as appeares in the laſt Section, and therefore it will behove you to hearken to *Solomons* advice; *My ſonne feare thou the Lord and the King, and meddle not with them that are given to change. For their calamity ſhall riſe ſuddainely, Prov.* 24. 21, 22.

The Kings Supremacy witneſſed by our Oath.

Certainely unconcerned men will thinke I have undertaken no very difficult taske. If I can but perſwade the Kings adverſaries, they have not forſworne themſelves, I ſhall recover them to due obedience (but I muſt tell them, if they were not perjur'd in taking the Oath of Supremacy (not to mention now that of Allegiance,) they are ſo in breaking it.) The words are ſo expreſſe, that not any colourable gloſſe can be invented, to excuſe the violation of this ſolemne Sacrament. I, *A. B. doe utterly teſtifie and declare in my conſcience, that the Kings Highneſſe is the onely ſupream Governour of this Realme, and of all other his Highneſſe Dominions and Countries, as well in all Spirituall or Eccleſiaſticall things, or cauſes, as Temporall, &c. I do promiſe that from henceforth, I ſhall beare faith and true allegiance to the Kings Highneſſe, His Heires, and lawfull Succeſſours, and to my power ſhall aſſiſt and defend all juriſdictions, priviledges, preheminences, and authorities granted, or belonging to the Kings Highneſſe, His Heires, and Succeſſours or united and annexed to the Imperiall Crowne of this Realm.*

So helpe me God and by the Contents of this Booke.] It hath been replyed, That *this Oath is taken in oppoſition to the Pope, to exclude the Supremacy uſurped by him for many yeares.* They ſpeake truth, but not all the truth; for there are two parts in it. One negative, by which wee profeſſe, that not any forraigne State, or Potentate, nor the Pope hath this power. The other poſitive, by which the Subject of this power is ſpecified. *The Kings Highneſſe is the onely ſupream Governour of this Realme,* as in all Spirituall things, and cauſes, ſo likewiſe Temporall. Both Eccleſiaſticall and Civill ſupremacy are here aſſerted to be in the King. It was not thought ſufficient to tell who was not

Supream,

Supreame, but they declare also who was. When we had truly sworne the Pope out of this Kingdome, what necessity was there to make the people perjur'd? for certainely they forsweare themselves, who solemnely testifie and declare in their conscience, That *the Kings Highnesse is the onely supreame Governour*, if the meaning of those words be onely this, that the Pope is not. It concernes us as highly as our Soules are worth, *reddere juramentum domino*, to performe unto the Lord our Oath, and not to lift up those hands against the King, which were layd upon the holy Gospel, in witnesse of our submission to him *as the onely supreame Governour*. What desperate malice is it to expose our Soules to every Musket shot? if wee fall, we perish eternally. This sad contemplation, that wee stand on the very brinke of Hell, ready to bee turned into the Lake of everlasting woes, by every sword, every bullet, will smite our hearts, and make our armes feeble in the day of battaile; what confusion and amazement and horrour of conscience must needs seize upon all considering men? Thinke upon the heinousnesse of parricide, to murther a Father is a sin greater then any one is able to beare: But to spill the blood of our Soveraigne (which they have done, who fought against him, for it is murder in Gods sight; his goodnesse in protecting his servant, doth not excuse their sin in endeavouring to destroy their King) whom God commands not to touch, and whose life we have sworn *to defend with the utmost hazard of our owne*, and we have desired the Lord to revenge it in our destruction, if we do otherwise, is of a much deeper dye. For the King is *Pater patria*, a common Father to all without a Metaphor: what ever power Fathers had *over*, and consequently whatsoever honour as an effect of this power, was due to them *from* their children, he hath right to challenge the same of all. And though we should joyne together, and call our selves the Common-wealth, we can no more lawfully dis-respect, give law to, resist upon hard usage, or say he is lesse honourable then all we, then children by agreement may dispense with their duty to their parents. It was our owne act which united all particular paternall powers in Him, and that these are truly transferred, and now really in Him is very

King hath paternall powers from consent of the people.

very evident, because else we should be bound to obey our Fathers commands, before those of the King. For divine precept stands in full force, *Honour thy Father, &c.* and therefore we must confesse, *tam pater nemo est in terris*, hee that begot us is not so much our Father, as the King is. It may be fit to take notice here, that the supreame power of a State, hath by our particular deeds and common agreement, as much right over, not single persons onely, but the whole body, as every Father had over not this or that child onely, but his whole family: and as he cannot be said, though *major singulis natis*, yet *totâ prole minor*, so neither a King (if this power be placed in one, which is essentiall to a Monarchy) *minor universis*.

He hath power of a higher nature from Gods grant.

Though a Monarch hath greater right, and larger power, then even all the people could bestow upon him, for hee hath *potestatem vitæ & necis*, and this Fathers have not now over their children, over themselves; it can onely come from him who hath dominion over his creatures, and therefore the people must looke upon him, not only as their *owne*, but as *Gods representative*; yet to say nothing of this, and to deale liberally with our adversaries, by supposing (though I cannot grant) their principles true, concerning the originall of power being in the people, I can demonstrably convince them, by most plaine and evident deductions from their owne scheame.

I tooke this method in my *Answer to the Observations*, that by joyning issue upon their owne grounds, I might put a quicker end to the debate. It would have required more time to shew at large, *The Kings power was from God* (which was proved in briefe, and there, as is this discourse, it is acknowledged to be restrained by His owne or His Progenitors grants, *potest enim Rex vim regni minuere*) and so of much higher nature then the contribution of popular Votes could raise it to; it was abundantly sufficient, to prove that *the people have not any legall power against the King*. The former is built upon this pillar, *nemo dat, quod non habet*; the power of the Magistrate was not in the people considered severally, and before civill society, and in such a State, as the *Aborigenes* are described by *Salust*, *genus hominum agreste, sine legibus, sine imperio, liberum*

rum atque ſolutum, a multitude, not a nation, and certaine wild rents, without Laws, without Empire, free to do or ſuffer wrong, and looſe from all poſitive obligations. Not any one having *jus gladii*, a right to take away the life of man, it followes they could not beſtow it upon another, for what is not, cannot be alienated. And therefore the ſupreame Magiſtrate hath more power then the whole people, and is *vice Deus*, Gods vicegerent. Let them take heed how they call *Gods miniſter* the *peoples Servant*; God hath taken eſpeciall care the Magiſtrate ſhould be honoured; and reſpect is due, as to his, not their creature.

The latter, that the people have not any legall power againſt the King, is as firmely ſupported by another pillar, *nemo habet, quod dedit.* Suppoſe the originall of power in the people, or as they love to ſpeake, ſuppoſe them the efficient cauſe of power, which cannot be but by giving to one man in a Monarchy, to a Senate in an Ariſtocracy, a right to uſe their divided ſtrengths. *Since therefore they cannot retaine, what they have parted with, nor have what they gave away, he which hath all their power (I may adde his own particular beſides) muſt needs be greater and more powerfull then they. The truth is, he is (in a Monarchy, and they are in an Ariſtocracy) the only fountaine of all power and juſtice.* *Anſwer* to the Obſervat. pag. 10. This is as certaine, as that there are ſome governments beſides Democracy, for it is eſſentiall to them: what is that which makes Anarchy, except this, that every man hath right to doe what he will, in reference to any nationall Law? The only meanes to avoyd this confuſion, is to reſigne up this hurtfull liberty; (which is very prudently done upon choice, but neceſſarily upon conqueſt) if it be given to one, wee call that State Monarchy; if to few, wee call it Optimacy; if to very many, who rule by turnes and are elected by the people, wee call it Democracy. There cannot bee any other ground to difference the formes of Regiment. Demonſtration from the difference of formes of Regiment.

Hence appeares the weakneſſe of thoſe diſcourſes, which have no other ſtrength, then the impoſſibility, that the people can make one greater and more powerfull then all they (which is underſtood not of their naturall, (this cannot be paſt away

to another) but politique ſtrength, that is the right of uſing their power, this may be, and is parted with, (except the Government be a Democracy) becauſe *Quicquid efficit tale, eſt magis tale.* The *reply* to the *Anſwer to the Obſervations*, confeſſes my argument, concluding, *if it were true that the people had parted with their power, pag. 6.* upon this the determination of the whole controverſie depends, and that it was rightly ſtated by me, will evidently appeare, becauſe unleſſe the people have reſigned up their power, the Author can never ſhew how the State is a Monarchy. It doth not alter the caſe, that the King hath reſtrained himſelfe from the uſe of this power to ſome purpoſes without their conſent, as for making new lawes or raiſing money; for this limitation onely makes ſuch acts illegall, but doth not returne any power into them, whereby they may be inabled to raiſe an Army, or to oppoſe the *Militia* of the Kingdome againſt him, to compell him by ſtrong hand to governe according to law. If the ſubject of this power be the people, who may meet together and lawfully determine (for though he reſolve all into the two Houſes, yet if he follow the conſequences of his owne principle, he muſt goe thus high) what they fancy conducing to their owne ſafety, wee are cleerely falne back into Anarchy. To avoid this confuſion, the Author places it in their repreſentatives, but it will come to the ſame thing by undenyable deductions from his owne grounds. For the ſame arguments which are made againſt the King, equally conclude againſt the two Houſes; ſince *Quicquid efficit tale, eſt magis tale*, and that they are intruſted for the common good, may be equally applyed to them, and then King and Lords and Commons are Voted away at the pleaſure of the multitude.

Arguments brought againſt the King, conclude as much for the people againſt the Parliament.

The ſumme of his Book is, that *the people retain their power, and therefore may make reſiſtance, in caſe he governe not according to law, and he is reſponſable for ſuch breaches*; The proofe is, *He is intruſted for their good, and there is a mutuall covenant betweene King and people, and this violated by him diſſolves the compact.*

I have in this diſcourſe punctually examined theſe and what farther

farther grounds of scruples I could finde in the replyer, as will appeare more fully in the following Section. Being to answer so many, I would not trespasse upon the Readers patience by an exact view of his particular mistakes, which might have beene confuted with great ease, but with no great advantage to the cause, to which I have spoken more closely, and as fully as I was able.

I will discover to him one desperate consequence from his principle, which it concernes him to blush and repent for. *There is a mutuall Covenant between King and People, and the breach of it dissolves the compact*: if so, his Crowne is forfeited, and he ceases to be King *de jure* upon such violation, which he is now charged with, (because they could not have any colour for taking up Armes, but upon this pretence.) Therefore the plaine conclusion is, it is no want of duty in them, though they depose him, for it is no injury to take away, what he can challenge no right to; his claime was by vertue of compact, which is dissolved by his not standing to conditions, and so the bargaine is unmade, the bonds of allegiance are broken asunder. The Houses have laboured to cleare themselves from this wicked doctrine, by telling us the deposition of the second *Edward*, and *Richard* was not to be numbered amongst the presidents of Parliament, and that no free Parliament ever attempted the like: and yet a private man dares publish such manifest Treason. I am perswaded that the Author, supposing a breach of covenant of His Majesties part, and then telling us such a breach dissolves the compact, was not fully apprehensive that this pernitious principle unkings his Soveraigne. When hee sees his treasonable errour, he will finde that Logick ill managed is a more dangerous weapon, then a sword in the hands of mad men.

To return to further proofes of the Kings supremacy; That which makes a State one, is the union of supreame power, and this according as it is placed in one or more persons, gives denomination to the forme: so that all those Acts of Parliament which confesse this a Monarchy, are so many solid testimonies of the Kings supremacy. Kings supremacy further proved.

The Answer is, *Though this be demonstrably true in an abso-*

lute Empire, yet it concludes not in a mixt Monarchy.

I am very confident a miſtake of this *mixt Monarchy* hath engaged many well-meaning men againſt the King, to the overthrow of our Lawes, which the ſimpler part are perſwaded they fight for; *Honeſta voluntate rebelles ſunt* there are ſome who contribute their forces to deſtroy this Kingdome in behalfe of the Common-wealth, and they are ſo farre deceived, as to bee made unhappy inſtruments to advance private intereſts with publick hearts. And therefore it will bee neceſſary to diſcover their *errour*, by which their unfortunate Countrey hath ſuffer'd as much, as by the *faults* of others.

The true meaning of that which is called a mixt Monarchy.

They have not any ſhadow of excuſe to countenance their Rebellion from this diſtinction, unleſſe *mixt Monarchy* doe ſignifie either that the people in their diffuſive body, or by their repreſentatives have a greater, or at leaſt an equall power with the King. The reaſon of which is, becauſe inferiours by the acknowledgement of all, have not any juriſdiction over ſuperiours: and equals though they have not *imperium*, right to governe, yet if injur'd and they require ſatisfaction, and upon denyall of it, attempt to compaſſe it by force, they are eſteemed by the Law of Reaſon and Nations, *juſt enemies*: whereas Subjects, if they make warre upon their Soveraigne, though when wronged, are worthily accompted Rebels. Firſt, the diffuſive body of the people hath not greater, nay, not equall power with the King, becauſe they have not any legall way of expreſſing themſelves. Our Lawes determine it Treaſon to enter into any aſſociation, or raiſe a Warre without the Kings conſent, and much more againſt his expreſſe commands. Secondly, the repreſentative body hath not greater, nor equall power with the King. The ſame argument overthrowes their claime, for the people cannot authorize them to doe, beyond what themſelves were enabled to: therefore if actions of this nature were unwarrantable in the diffuſive body; they are ſo in the repreſentative. It may bee not unfit to obſerve that the repreſentative body is the *people* onely to ſome ends and purpoſes, whereto they were intruſted by them according to Law, and therefore no illegall ordinances, (ſuch as all thoſe are, which the King

Repreſentative Body is not the People to all purpoſes.

denyes

denyes to ratifie) ought to bee called the Acts of the people: They are no more concerned in it, then if they should take upon them contrary to Law, to stampe and coyne money with the inscription of *Senatus, populúsque Anglicanus*, or to send Ambassidours, or denounce warre *against*, or enter into a League of friendship *with* forreigne Princes, or bestow the great offices of State, or dispose of Wardships, or take to themselves a power to raise Armes without His Majesties consent. Againe, because they represent the people but to some purposes onely, though their principles were firme, (as they are extreamely weake) that the King is lesse then His Subjects *conjunctim*, and that they collectively are more honorable then Hee, &c. yet they bring not the conclusion home to the two Houses. Because it doth not appeare, and they had no reason to take it for granted, that the two Houses (which they call the Parliament are the people in this consideration. A Jury is the representative people, (as experience teaches, and we may finde it in Sir *Thomas Smith, l. 2. cap. 26.* The legall answer to that interrogatory, *How will you bee tryed*, is, *Dei populíque judicio, by God and my Countrey*; and the Clerke of the Sizes replyes, *Ecce tibi hi probi viri populum repræsentant*) and the Sophistry would be easily discovered, if we should argue they are therefore more honourable, then the King. Wee may take notice also, that their arguments are onely capable of concluding for the House of Commons, (and if they follow the necessary consequences of them, they must maintaine the Lower is above the Upper House) for the Lords sit onely in personall capacities, being inabled thereto by the prudence of our Lawes, which thought it reasonable they should have as great a share in the government as a negative voyce came to, because they injoyed such ample revenues, that they were likely not to agree to any thing prejudiciall to the present setled State.

I shall prove more fully in the next Section, that those who represent Subjects (and that but to some purposes, and not the King to any, for this would overthrow that fundamentall constitution of three distinct Estates) cannot bee equall to, much lesse above their soveraigne. And that groundlesse invention

 which

which denyes subordination, and introduces an unheard of coordination, such as creates *Regnum in Regno*, and rents this Country into distinct Kingdomes, shall be refuted.

Since what is called *mixt Monarchy* cannot give such a right as is pleaded for, that Subjects should be free to wage warre against their Prince, because this liberty makes two independent States, which are not compatible in one body, but would be as really distinct Kingdomes in *England*, as *Spaine* and *France* are; I will endeavour to declare the true meaning thereof. If wee speak properly, there cannot be such a thing as *mixtum Imperium*, a mixt Monarchy, or mixt Aristocracy, or mixt Democracy. Because, if there are divers supream powers, it is no longer one State. If the supreame power be but one (that is that authority unto which *Le dernier ressort de la justice*, the last appeale must be made, and against whose sentence though unjust, wee have not any legall remedy) this must bee placed either in one man, who is the fountaine of all jurisdiction, and then it is a Monarchicall government, or in some Nobles, and then the Regiment is Aristocraticall, and the sentence of the major part of them becomes Law to all effects, whether concerning our goods or lives; or if the civill constitutions of a State direct us to appeale to the people, this is an absolute and true Democracy. By a *mixt Monarchy* therefore (not to quarrell about words) nothing but this can reasonably be understood, that it is not παμβασιλεία or παντελὴς μοναρχία, wherein the will of the Prince publiquely made knowne, gives the Law, *Quodcunque Principi placet, legis habet vigorem*, but βασιλεία κατὰ νόμον, a government not arbitrary, but restrained by positive constitutions, wherein a Prince hath limited himselfe by promise or oath, not to exercise full power. This grant is of force, because any man may either totally resigne, or diminish his rights by Covenant. Hence it is that in Monarchies all Kings have supreame power, though they have not all the same *jura Regalia*, their prerogatives are larger or narrower according to their particular grants. For example, our Kings have retained to themselves the rights of coyning money, making great officers, bestowing honours, as Dukedomes, Baronies, Knighthoods, &c. pardoning all offences

fences against the Crowne, making warre and peace, sending Ambassadours to negotiate with forraigne States, &c. and they have restrained themselves from the use of that power which makes new Lawes and repeales old, without the consent of the Lords and Commons in Parliament; as likewise from raising money upon the Subject without their consent.

Some doe aske, *How are we the better, if we must suffer him to breake this Covenant as oft as he pleases? it is the same thing not to have any Lawes, and not to have provision for the observance of them.*

Difference betweene arbitrary rule and government, restrained by Law, notwithstanding hostile resistance unlawfull, though in case of violation.

First, I must tell you, this objection is answered by shewing there is a necessity that some body must be trusted. It is no discretion to prevent a possible mischiefe by probable inconveniences; if you will not trust one you must trust more, that is, if you are weary of Monarchy (under which your fore-fathers enjoyed happy times, and experience cannot cozen you, though arguments may) you know the way to cast it off by placing so many guardians over your Prince, but have you any greater assurance then before? *Quis custodiet ipsos custodes?* They have as great temptations to faile their trust as he had, and it is likely being warned by such a president of deserting your naturall Prince, they may feare your inconstancy, and upon pretence, that you are subject to mistake; and because they suspect you may be *willing*, they will take such order, you shall not be *able* to call them to an accompt. But suppose this may not be, and that those who suppresse Tyrants (or perhaps excellent Kings under that name) may not be frighted with their owne example, to make use of their present power, to exercise a greater tyranny; for it is not impossible they should grow *jealous* too, and tell you plainly, they have no reason to *trust* you. If you deny them money, here is ground of diffidence, your designe is to expose them to poverty, so to contempt, so to ruine. But suppose I say nothing of this, but that they will be secure amidst your jealousies, which manifestly endanger their safety; yet you will be forced at last to trust the giddy multitude, who are alwayes weary of the present government, because there are still some unavoidable defects, and these are discerned by sense

ſenſe, and they have not ſuch depth of underſtanding as to foreſee greater miſchiefes (which can onely be judged of by reaſon) and therefore are eaſily perſwaded to attempt a change, ſo that your peace is built upon a very weake foundation; you have no better ſecurity againſt a civill warre, then that the greater part of the people will be diſcreet. If things proſper not according to their wiſhes, crafty men perſwade them the fault lyes in thoſe who have the managery of the publique, and if theſe be not removed, and honeſt and wiſe men (meaning themſelves) put in their places, their miſeries will daily grow upon them. A generall accuſation of ill affected, malignant perſons, wicked Counſellors, is cauſe ſufficient to out their ſuppoſed enemies of all preferments, and put their pretended friends in their roomes. This opens a gap to all confuſion; civill warre, and moſt unnaturall diſtractions are the certaine iſſue of it. Our owne lamentable experience confirmes this ſad truth. After you had obtained a perfect confirmation of all your ancient rights and liberties, with a gracious enlargement of them by new grants, and with ſuch ſecurity as your fore-fathers were not acquainted with, you are frighted with the poſſibility of a relapſe. To prevent which, it was thought fit to take away the Kings power, with which our Lawes had inveſted him, as the neceſſary meanes for our protection, becauſe it was not impoſſible he might uſe it for our oppreſſion. Accordingly the Kings Navy, His Forts, Magazines, and the Armes of the Kingdome, are put into ſuch as you would call ſafe hands. I doe not aske with what conſcience, but with what judgement you did this? The want of prudence was as great as that of honeſty, what hath beene the ſucceſſe of confiding in thoſe whom the Lawes had not intruſted? are not your ſufferings infinitely multiplyed? are you not extreamely ſicke of your remedy? The tables are quite turned, and your friends have undertaken the ſame bad game, and play it much worſe; you onely make the ſtakes, and are in a probable way to looſe all that you have. What one thing did you complaine of, which is not exceeded by them? your grievances are highly improved,

ved, *Magna Charta* and the Petition of Right are now malignant, they ſpeake not the ſenſe of the Houſe, but take part with the King. To quote our good and ancient Lawes is interpreted a breach of Priviledges of Parliament; appeales are made to the people, the ready way to a univerſall confuſion. And they according to private information, and miſ-guided affections, did once paſſe this ſentence, that to impriſon without cauſe alledged, and to deny *Habeas corpus's*, is no intrenchment upon the liberty of the Subject; to beſtow mens eſtates by whole ſale, and take away their Money, Plate, or Goods, doth not deſtroy the property of the Subject; To ſcorne and revile the Booke of Common Prayer, againſt an Act of Parliament, which ſeverely puniſhes ſuch contempt, and to ſupplant our eſtabliſhed doctrine and diſcipline by countenancing Anabaptiſme and Browniſme, conduces to the holy Reformation, and will in time effect that great worke, and ſettle true Religion. Thus much by the way, to ſhew that we cannot have any abſolute ſecurity; in all governments it is neceſſary to truſt ſome body. For if we ſhould retaine a liberty to right our ſelves (not to mention the fatall miſchiefes of Anarchy, and that it is probable this freedome would be frequently abuſed to our wrong, ſelfe-love making men partiall in their owne cauſes) the deciſion of controverſies would be writ in bloud, and we ſhould lay a fruitfull ſeed-plot of civill warres, contrary to the end of ſociety, which is to preſerve publique peace, though ſometimes with private loſſe; becauſe though we ſuffer ſome things by injuſtice, yet we enjoy great benefits by common tranquility, but in the ruine of the whole, the rights of ſingle perſons muſt be deſtroyed. The hazard likewiſe appeares much greater, by inabling thoſe to injure us, whom the Law hath not intruſted with our protection.

To anſwer their objection fully, who would perſwade the people, there is not any difference betweene arbitrary government, and government reſtrained by lawes, if Subjects may not compell their Soveraigne to the obſervation of them.

Greater ſecurity would undoe us. For though wee ſuffer

ſometimes under reall grievances, yet pretended breaches of our rights (which can never be wanting, as long as ambitious perſons are diſcontented) would have the ſame influence to ſtirre up civill diſſentions, and it is a more prudent courſe, to oblige ſome to ſit downe though wronged, then to open a certaine way for Schiſme in the body by indulging a moſt pernicious freedome of righting themſelves. It was wiſely ſaid by *Seneca ſatius eſt a paucis etiam juſtam excuſationem non accipi, quàm ab omnibus aliquam tentari.* For Kingdomes are many times diſturbed upon meere pretences. There are ſuch who will ſet their country on fire, only to warme their owne hands by it, and trouble the waters, that they may the better catch fiſh, that is, who will purſue private intereſts with hazard of publicke deſtruction. He that doubts this, let him conſult hiſtories, and he ſhall find, it hath beene fatall to the beſt Princes to have the worſt Subjects. I appeale to mens conſciences whether they have not read, and perhaps ſeene, the reigne of a moſt gracious Prince, a Prince eminently mercifull, and juſt, branded with the odious name of Tyranny. And when malice it ſelfe cannot blemiſh his actions, when he is not ſo bad as they could pray for, (for they would have made great advantages, if they could charge him with perſonall vices, as unchaſt, intemperate, or negligent in performance of religious duties) yet craft hath done their buſineſſe, and abuſed the peoples weakneſſe ſo farre, as to make them active in their owne ruine, by that wicked Art of declaming againſt evill counſellours. Of ſuch dangerous conſequences is it, to open away to civill warre upon pretended miſcarriages in gouernment. But grant, not fancyed, but reall injuries, Yet

——*non tanti eſt civilia bella moveri.*

It is true, the people are then not ſo happy as they might be; but to make uſe of force, as a remedy, will encreaſe their miſeries. It is certaine, this Kingdome never ſuffered ſo highly under the greateſt tyrant, as it hath already by this unnaturall warre, and who can tell, whither it may not end in a univerſall deſtruction. If a King be forced to conquer againſt his will, who knowes how farre he may be tempted beyond his naturall diſpoſition,

diſpoſition. It is a melancholly conſideration, that a peoples perverſneſſe may change a gentle Scepter into a rod of iron. But if Subjects prevaile, we can ſee no end of the warre. Forraigne nations will be powred upon this unhappy land, and there will never be wanting at home a conſiderable party (as long as there are either honeſt or diſcontented men) to fight for the regaining his hæreditary rights, to keepe whom in awe, our fellow Subjects will plead a neceſſity of being tyrants (I could wiſh it were not already acted upon us; firſt their will made neceſſity, and then neceſſity makes their will the meaſure of right and wrong, and deſtroyes all law) their wants will give law to us, and impriſon us upon bare ſuſpicion of Loyalty, and ſeize on our eſtates for feare they may be honeſtly imployed.

Thus we ſee a neceſſity of truſt, and that we are bound not onely in conſcience, but in prudence alſo, not to revenge the not performance of it, I can further make it appeare, we have very good ſecurity (as ſtrong as humane wiſedome ever invented) that we ſhall live happily, and therefore we have no reaſon to robbe our ſelves of thoſe great bleſſings which we lately injoyed, peace and plenty, upon vaine feares and groundleſſe jealouſies of imaginary miſeries. Our forefathers did not diſtruſt the ſound temper of this policy, and they injoyed the benefits of it in a high degree.

Firſt, the King hath ſworne to preſerve our Lawes, our Liberties, our Propriety, and our Religion; and hee deſires God ſo to proſper him and his, as he performes this Oath unto the Lord, who will require a ſevere accompt. Wee may make a highly probable conjecture of the ſincerity of his royall heart, and the unfeignedneſſe of his many ſacred Proteſtations from his miraculous ſucceſſe. If God had not fought on his ſide, if the immediate hand of providence had not ſupported him, in mans judgement he had beene ſwallowed up.

Secondly, if he ſhould command any illegall things, the executioners of them are reſponſable, and muſt make ſatisfaction to the injur'd parties. And they cannot flatter themſelves with hopes of impunitie, for once in three yeares a Parliament will call them to accompt, and they have a great Democraticall ad-

vantage for the obtaining justice. Because the Kings wants cannot bee supplyed without their consent, and it is very unlikely he will deny any reasonable petitions, or reject any desires but such as robbe him of his honour, which is infinitely deare to him above plenty; except they endeavour to make him worse then poore, (which cannot be by demanding justice) it is most probable he will readily assent.

Thirdly, His interests are the same with the Subjects, They are not like two buckets, when one is lowest, the other is highest, but they resemble the Head and rest of the Members, and the Head cannot thrive by a consumption of the Members. Illegall gainings from the people are shifts rather then true policy; they may serve a present turne, yet are not worth the price at which they are purchased, envy and discontents; whereas the gratitude of the Subject is a constant and cheerefull patrimony. When the King, like the Sunne, in consideration of what is drawne up from them, shall returne it in plentifull showres, and the blessings of a just government, which makes a Land fruitfull.

Upon these grounds wee have very good reason to promise to our selves a happy government; our hopes are much above our feares, especially after his greater experience of the unfortunate consequences of some miscarriages, and the strange blessings upon his strict observation of the certaine and knowne Lawes.

They that require fuller information in the nature of this government, may finde ample satisfaction in *Stamford*, *Dyer*, *Crompton*, and Sir *Edward Coke*, That the King is the fountain of all justice, and consequently that the Lawes have placed the supreame power in the Crowne. I have chosen rather to shew it out of *Bracton*, a man worthily famous for his knowledge in the Civill and Common Law, because the booke is lesse common, and I finde his authority often abused to justifie their cause. *Sciendum, quòd ipse dominus Rex, qui ordinariam habet jurisdictionem & dignitatem & potestatem super omnes qui in regno suo sunt, habet enim omnia jura in manu sua, quæ ad coronam & laicalem pertinent potestatem, & materialem gladium*

Kings Supremacy proved out of *Bracton*.

qui

qui pertinet ad regni gubernaculum. Habet etiam juſtitiam & judicium, quæ ſunt juriſdictiones, ut ex juriſdictione ſuâ, ſicut Dei miniſter & Vicarius tribuat unicuique quod ſuum fuerit. Habet enim ea quæ ſunt pacis, ut populus ſibi traditus in pace ſileat & quieſcat, & ne quis alterum verberet, vulneret, vel male tractet, ne quis alienam rem per vim & roberiam auferat vel aſportet, ne quis hominem mahemiet vel occidat. Habet etiam coercionem, ut delinquentes puniat & coerceat. Item habet in poteſtate ſuâ leges & conſtitutiones, aſſiſas in regno ſuo proviſas, & approbatas, & juratas, ipſe in propriâ perſonâ ſuâ obſervet & ſubditis ſuis faciat obſervari, nihil enim prodeſt jura condere, niſi ſit qui jura tueatur. Habet igitur Rex hujuſmodi jura ſive juriſdictiones in manu ſuâ, lib. 2. cap. 24. §. 1. And againe, *ea quæ juriſdictionis ſunt & pacis, & ea quæ ſunt juſtitiæ & paci annexa, ad nullum pertinent niſi ad coronam, & dignitatem regiam, nec à corona ſeparari poterunt cùm faciant ipſam coronam.* The Engliſh of it in briefe is this. The King hath ſupreame power in all civill cauſes, and is *ſuper omnes*, over all perſons, over the body politique; all juriſdictions are in him; the materiall ſword of right belongs to him, and whatſoever conduces to peace, that the people committed to his charge may lead peaceable and quiet lives. The power of holding Aſſizes is derived from him, and of puniſhing delinquents. For Laws were vainly enacted, if there were not ſome body enabled to protect us by defending them, &c.

Theſe concluſions are naturally deduced from his premiſes. To diſpoſe the *Militia* of the Kingdome without the conſent of the Soveraigne (and much more againſt his expreſſe prohibition) is illegall. To iſſue Commiſſions by any other authority then his, for killing and ſlaying, or taking mens eſtates by force, is againſt the known Lawes: and to forbid the holding of Aſſizes (upon whatever pretence of advancing the Subjects property, by ſtopping the courſe of Juſtice,) is deſtructive of the rights both of King and Subjects.

Hee defines the Sword, *lib. 1. cap. 8. §. 4.* leſt Subjects ſhould thinke it lawfull to take it up in their owne defence without his authority, *ſignificat defenſionem regni & patriæ*, it

s the right to defend the Kingdome. *Populi ſalus*, the ſafety of the people (the pretence of which hath ingaged them in a likely way of ruine) cannot diſpence with our Lawes, which have enabled onely him to protect them. It is not poſſible to ſpeake more home then he hath done in the fifth Paragraph. *Omnis quidem ſub rege, & ipſe ſub nullo niſi tantum ſub Deo. Parem autem non habet in regno ſuo, quia ſic amitteret præceptum, cum par in parem non habeat imperium. Item nec multo fortiùs ſuperiorem nec potentiorem habere debet, quia ſic eſſet inferior ſibi ſubjectis, & inferiores pares eſſe non poſſunt potentioribus. Ipſe autem Rex non debet eſſe ſub homine, ſed ſub Deo & ſub lege, quia lex facit regem.* All are under the King, and the King is under God onely. He hath no equall in his Realme, (*no coordination here*) becauſe then he could not command all, for amongſt equalls their can be no Empire. Therefore much leſſe are any his ſuperiours, or can challenge greater power, becauſe then he would be under his Subjects, &c. The King ought not to bee under man. He is under God and the Law, becauſe the Law makes him King.

The laſt words (though advantage be made of them, and *Forteſcue* is quoted to the ſame purpoſe) can afford no juſt ground of ſcruple; for he explaines himſelfe within a few lines. *Lex facit regem*, ſignifies no more then that of the Roman Emperours, *Adeò de autoritate juris noſtra pendet autoritas. l. digna, c. de legib.* The meaning may be extended thus farre. That the people had a hand in the conveyance of their divided rights into him, and he may now challenge them by vertue of their owne agreement, and by divine right alſo, but as preſuppoſing this conſent; becauſe God doth not immediately diſpoſe of Kingdoms now, and conqueſt ſignifies greater force not juſter title; that oft times gives poſſeſſion, and a ſubſequent compact creates a true right. I doe not deny, but that conqueſt in ſome caſes may be a lawfull way of acquiſition; the provocation may be ſo great, that perſons and eſtates are forfeited to the victor; but becauſe the will is not capable of being forced, it doth not follow, he hath got a right over their goods and bodies, therefore they are His Subjects, and owe to

him

him obedience. For to be ſubject, being a morall bond, where God doth not lay upon us any obligation, (as the duty of children towards their Parents doth not depend upon choice) it can onely flow from our conſent. But this conſent of the people was not an adequate cauſe, but a neceſſary qualification to make him capable of receiving a larger commiſſion from God. The Sword of Juſtice is blunt, the peoples agreement could not put an edge upon it to cut off offenders, this is done by the Magiſtrate, as Gods delegate.

That the King is *ſub lege*, under the law, hath this ſenſe, That he ought to governe according to thoſe ſtanding rules. His Majeſty freely confeſſes this obligation, and ſince experience hath taught him the benefits of ſtrict obſervance, he will not be intreated upon what plauſible pretences ſoever (and much leſſe will he be commanded) to recede from their known and certaine direction. But if he ſhould ſwerve from theſe rules, he is not liable to any puniſhment, nor compellible by ſtrong hand; nor for want of ſinne, for he offends highly in that caſe, but for want of a ſuperiour juriſdiction. *Bracton* delivers this truth plainly, wee have no legall remedy, wee can onely humbly petition His ſacred Majeſty, *Locus erit ſupplicationi, quòd factum ſuum corrigat & emendet; quòd quidem ſi non fecerit, ſatis ſufficit ei ad pœnam, quòd dominum expectet ultorem. Nemo quidem de factis ſuis præſumat diſputare, multo fortiùs contra factum ſuum venire.* If he will not hearken to our juſt and reaſonable deſires, *ſatis ſufficit*, his puniſhment is more then enough, for he muſt render an accompt to him that judgeth righteouſly. Let not men preſume to queſtion his deeds; much leſſe to undoe by force, what he ſhall doe though not according to right. That you may not thinke this dropt from him unwarily, he repeates it in other places, and *lib. 5. tract. 3. de defaltis, cap. 3. §. 3.* He puts the caſe. That *the King ſhould doe injury, and a plea is brought againſt him, in whoſe behalfe he did it; the King being petitioned and perſiſting*, and he rules it thus. *Quo caſu cùm dominus Rex ſuper hoc fuerit interpellatus, in eadem perſtiterit voluntate, quòd velit tenentem eſſe defenſum cum injuria, cum teneatur juſtitiam totis viribus defenſare, ex-*

tunc

tunc erit injuria ipsius domini regis, nec poterit ei necessitatem aliquis imponere, quòd illam corrigat & emendet nisi velit, cùm superiorem non habeat nisi Deum, & satis erit illi pro pœnâ quòd Deum expectet ultorem. If the King who is bound to administer justice to his utmost power, will not recall the wrong he did upon a false suggestion, in this case, he injures his Subjects, but no body can force him to doe right, because he hath supreame power; he hath no superior but God only, and it is sufficient that wee shall have a day of hearing hereafter at a just tribunall, where he shall be punished for doing wrong, and we amply requited for our patient suffering. In *lib. 2. cap. 16. §. 3.* hee attributes the highest authority to the King of *England*. If the place bee rightly understood by a wise Chancellor of this Land, whose collections from thence I shall lay downe, you may finde them in his case of the *Postnati, pag.* 107, 108. *De chartis regiis & factis regum non debent nec possunt Justiciarii nec privatæ personæ disputare; nec etiamsi in illa dubitatio oriatur, possunt eam interpretari, & in dubiis & obscuris, vel si aliqua dictio duos contineat intellectus, domini regis erit expectanda interpretatio & voluntas, cum ejus sit interpretari, cujus est concedere.* The sense is, that all *casus omissi*, cases not determined for want of foresight are in the King: so that it gives not power to him to make new or abrogate old Lawes without consent in Parliament, but the right of interpretation belongs to him, not in plaine and evident cases (for these need no declarer; to challenge a right to declare all Lawes, were in effect to make them, and then all the Subjects rights would be in their breasts, and depend upon arbitrary votes) but onely in new questions and doubts which must not be resolved contrary to old Law. By this it appeares that Subjects ought not to judge of the equitable part of Law, and to overthrow the literall sense at pleasure, to the præjudice of their Soveraigne. Our King hath as much right by our constitutions, as that civill Law gave the Roman Emperours, *Inter æquitatem jusq; interpositam interpretationem nobis solis et licet et oportet inspicere l. 1. c. de leg. et const.* or that other *Rex solus judicat de causa a jure non definita.*

Notwithstanding such expresse testimonies of the Kings supremacy,

premacy, yet such is the ignorance of some (these transcribing onely, and onely varying the method of treason in their seditious pamphlets, as appeares by that remarkable errour borrowed out of the *observations* of *Richard the second, being misted by Spencer*; which I have met with in many of their libells) and such is the malice of others, who have searched the place in *Bracton* by them quoted, that his authority is cited against the King almost in all their Pamphlets which either speake Latine, or pretend to knowledge in the Lawes.

Bractons authority abused by them.

The author of *the fuller answer to Doctor Ferne* tells us, *the two Houses collectim considered in a joint body, are not Subjects.* p.4. And *Bracton*, he sayes, will beare him out in it. *Rex habet superiorem, Deum scilicet, item legem per quam factus est Rex item Curiam suam, viz. Comites, Barones, &c. The King hath above him besides God the Law, whereby he is made King, likewise his Court of Earles, and Barons, &c.* This man hath betraied either want of knowledge, or want of honesty; I suspect the latter, because he must needs understand, that this was a very unfit proofe of coordination between the three Estates (upon the strength of which his whole discourse hangs, and it is meerly begg'd) for this concludes against it, and makes a most absurd subordination of the Soveraign to such a number of his Subjects, and therefore he confesseth, *he need not goe so high.* The adding, &c. as *he hath above him his Court of Earles and Barons, and so forth*, doth discover their unfaithfull dealing. For first, here is not the least mention of the House of *Commons* (which they would seeme to imply) and therefore it cannot serve their turne, and secondly the words following (craftily left out) shew the absurdity of it, the reason of the speech is, *quia Comites dicuntur quasi socii Regis, & qui habet socium, habet magistrum, & ideo si Rex fuerit sine frœno. i.e. sine lege, debent ei frœnum ponere nisi ipsimet fuerint cum Rege sine frœno,* (*Because Earles are quasi fellowes to the King* (I may perhaps render the meaning by calling them his Peeres) and *he that hath a fellow* (or a Peere) *hath a Master. And therfore if the King will indulge himself a looseness from all Lawes, they ought to impose those bonds upon him, except they also will cast off obedience to established Lawes. Then*, he sayes, *no farther remedy is left but crying to the Lord, and the Lord will return this answer. Vocabo*

ſuper eos gentem robuſtam & longinquam quæ deſtruet eos &c. by the way he does not ſay that Subjects ſhall call in a forraigne Nation, that is treaſon, But the *Lord will bring them in, becauſe they would not judge their people righteouſly.*

The diſtinct anſwer to it is, that *Bracton* layes not this down as Law, but when he had taught the quite contrary, *Omnis quidem ſub eo & ipſe ſub nullo ſed ſub Deo tantùm*, and *non habet parem*, and *ſufficit ad panam, quod Dominum expectet ultorem.* He puts this ſpeech into the mouth of a man diſcontented at the abuſe of regall power, and arguing from the practiſe of that Age wherein he wrote, for the Rebellious Barons ſeized on the *Militia* of the Kingdome, which of right appertained to *Hen.* the third, *Bracton* clearely delivers himſelfe, *ea quæ ſunt juſtitia & pacis annexa ad nullum pertinent niſi ad coronam, nec à coronâ ſeparari poterunt.* That he ſpeakes it in the perſon of another appeares from hence; that he begins it with *dicere poterit quis*, *ſome body may ſay The King hath done Juſtice, and it is well*; and *why hath he not the ſame liberty to cenſure him if he doe injuſtice, and accordingly to require him to performe his duty, leſt he fall into the hands of the living God?* He proceeds immediately to *Rex autem habet ſuperiorem, &c.*

Kings ſupremacy proved from the nature of all his Subjects *tenures.*

It would be very eaſie, for one better read in our Lawes, then I am, to ſhew that the King of *England* hath ſupreame right, from the nature of all Subjects lands holden of him in fee; which though it gives a perpetuall eſtate, yet not abſolute, but conditionall, for it depends upon the acknowledgement of ſuperiority and is forfeitable upon a not performance of ſome duties, and therefore it returnes unto him. For the breach of fidelity is loſſe of Fee, as appeares in *Duarenus*, *Weſembechius*, *Farinaccius*, *Molina*, *Socinus*, *Gail*, and they tell us that all Lawyers agree, that all *Feuda* are loſt by rebellion; as alſo by our common Law, which according to the nature of the treſpaſſe, varies the forfeiture. In caſe of Treaſon, as taking up Armes againſt the King, (for ſo you may find it determined 25. *Edw.* 3. c. 2.) after legall conviction all their lands and tenements are abſolutely in the Kings diſpoſall; in caſe of felony, the King hath a yeare, a day and the waſt, after which it paſſeth downe to the heires. It is

very

very evident, that the King onely hath that high degree of property in his lands which Lawyers call *alaudium* or *alodium*. The ſenſe is the ſame though the words differ; for it is not materiall, whether with *Budæus* wee derive it from the privative particle (*a*) and *Laudum*, which ſignifies, nomination, ſo that it denotes *prædium cujus nullus author eſt niſi Deus*: to hold in his owne full right, without any ſervice, any payment of rent, becauſe from God only, or like to thoſe of *Heinault*, who acknowledge no tenure but from God and the Sunne, *Pays de Hainault tenu de dieu & du ſoleil*, or elſe we may derive it from the ſame privative particle (*a*) and the Saxon *Leod*, or the French *leud*, (a vaſſall or leigeman) and then it expreſſes thus much, a tenement without vaſſallage, *without burden*, to which our Engliſh *Loade* retaines ſome reſemblance.

But Subjects of what degree or condition ſoever hold their lands *ut feuda*, in the nature of *Fee*, which implies Fealty to a ſuperiour. It is all one whether they belong to them by inheritance, or by purchaſe; for though they may ſometimes be dearly bought, yet ſuch is the condition of the alienation, that they cannot bee conveyed without thoſe burdens which were layed upon him who had *novell Fee*. So that *Camden* pag. 93. of his *Britannia*, obſerves very truly, that the King only hath *directum dominium*, this being reſerved by the conquerour, who changed many of our lawes, and introduced the cuſtomes of Normandy, and inſtituted all our pleas in French, and paſſed over the *utile dominium* onely; hee gave though not abſolute yet perpetuall right, conditions being performed to uſe and enjoy ſuch and ſuch lands. The higheſt expreſſion of a Subjects right which law will juſtifie, is this, *ſeiſitus inde in d minico ſuo, ut de feudo. He is ſeized of ſuch lands in his demaine, as of fee.* Now *Feudum* is manifeſtly a derived right, and founded in him who hath ſupreame right, in conſideration whereof all lands held by Subjects are burdened with ſome ſervices, which differ according to the variety of grant from the King. Hence ſome tenures expire with life, others goe downe to our poſterity by diſcent, to whom the law gives *uſum fructum*, a right to uſe, injoy and make all profits, but they are properly but *meſn* or *meſne*

Lords, as holding of an *over Lord*, or *Lord paramount*, who is the *King*.

Leige Lord bound to ſome duties.

The Kings ſupremacy is as ſtrongly proved, in that he is our *Leige Lord*, as appeares by ſundry Statutes, for ſuch an one can acknowledge no ſuperiour, as *Duarenus* ſhewes in comment. *de conſuetudin. feudorum*, c. 4. *num.* 3. And all Subjects are *homines ligii*, leige-men, and owe faith, and true alleagiance to him, as their ſuperiour. The definition of Legeancy is ſet down in the great cuſtomary of *Normandy*, *Ligeantia eſt ex quâ domino tenentur vaſſalli ſui*, &c. *Ligeancy is an obligation upon all Subjects to take part with their leige Lord againſt all men living, to aid and aſſiſt with their bodies and minds, with their adviſe and power, not to lift up their armes againſt him, not to ſupport in any way thoſe who oppoſe him.* The Lord likewiſe is bound to governe, protect, and defend his leige people (ſo the Engliſh are often called in Acts of Parliament) according to the rights, cuſtomes, and lawes of the Country. If Subjects breake their faith and prove diſloyall, their eſtates and lives are expreſſely forfeited; and the King is enabled by law (as the fountaine of all Juriſdiction) to ſeize upon their goods and lands, and to deſtroy their perſons. If hee performe not his duty (for there is a mutuall obligation between leige Lord and leige men) yet notwithſtanding this failing, neither his Crowne or any rights belonging to his Royall dignity are ſubject to forfeiture. Let them if they can produce any one law to maintaine their aſſertion. If there had been any, it would not thus long have been concealed, for they are not accuſtomed to diſſemble any advantages by overmuch modeſty. Indeed they have not any ſhadow of proofe or colour of reaſon for it; and yet upon their bare word how many thouſands have hazarded their ſoules by aſſiſting rebells, which are eternally loſt, if they periſh in their ſinne? What madneſſe is it to beleeve their ſaying, before their and your own oathes? Is it poſſible you can innocently deſtroy your Soveraigne, whoſe life you have ſworne to defend with your utmoſt power? Be not abuſed by that miſerable fallacy drawn from the nature of a Covenant. The miſtake lyes here, that law hath provided to bring ſubjects offending to

But not under paine of forfeiture, as *Leige men* are.

tryall

tryall, but hath not, could not queſtion the King, and compell him to be reſponſable, for want of a ſuperiour juriſdiction. All juſt proceedings muſt be *per legale judicium parium, & legem terræ, by tryall of Peers, and the law of the land.* But the King hath no *Peere*, and *lex terræ* doth not in any caſe diſarme the King of the ſword of Juſtice, it is not ſeparable from his Crown. Therefore he is exempt from tryall, and it cannot be juſt to puniſh him unheard, uncondemned. The conditions of Kings were very miſerable, if he who ſweares to governe the people according to the known lawes, ſo that they ſee what to truſt to, ſhould himſelf be lyable to their arbitrary Juſtice.

The Premiſes are firme; for the Major is part of *magna chartâ*, and the Minor is as evident, as that his Subjects are not greater then he; which ſignifies onely, that thoſe which are under him are not his ſuperiours. *Bracton*, you may remember is frequent in the expreſſion, *Rex non habet parem in regno*, and he is *tantùm ſub Deo, &c.* There is beſides an antient monument, which ſhews the manner of holding a Parliament before the Conqueſt, which will afford us no ſmall light in this point. It is ſayd to be delivered to *William the Conquerour* by diſcreet men, at his command, and to have beene approved by him; it runs thus, *Rex eſt caput, principium & finis Parliamenti, & ita non habet parem in ſuo gradu, &c. The King is the head, the begining and the end of the Parliament, and ſo he hath not any Peer or equall, but is himſelf the firſt degree. The 2d. is of Archbiſhops Biſhops, Abbots and Priors holding by Barony. The 3d. is of Proctors of the Clergy. The fourth is of Earls, Barons and other noble perſonages. The fifth is of Knights of the Shire. The ſixt degree is of Citizens and Burgeſſes, and ſo the whole Parliament is compleated by ſix degrees. But we muſt know that though any of the five degrees, beſides the King, ſhall be abſent, if they were duely ſummoned, Parliamentum nihilominus cenſetur eſſe plenum, the Parliament is full in law.*

The latter part is as manifeſtly true, that *Lex terræ* doth not in any caſe diſarme the King of the ſword of Juſtice. By our conſtitutions *Regia majeſtas eſt armis decorata*, and *legibus armata*, the *directive* part of Law concernes the King, the *penall*

doth not; Hee ought to squire his actions according to this rule, but if they should swerve from it, they cannot fall within the cognizance of his Subjects. All offences are punishable as committed against him, His Crowne and Dignity, and though the Law hath condemned them, they are pardonable by His *Grace:* which clearely demonstrates, He is above penall Lawes, and it is indeed an inseparable priviledges of supreame jurisdiction, let it bee placed where it will, in one or more persons Naturally, (supposing men by distance absolved from paternall dominion) that is, before a positive constitution of Empire, when men were equally free, it was not unlawfull to require by strong hand satisfaction for wrong; but after an established government, this liberty was civilly restrained; and it is not in our power to right our selves but in a legall way, which is by Magistrates; and the last appeale lyes to the highest Governour, that the processe may not be infinite, but wee may have some certaine and peaceable decision of all differences.

To conclude this Section, (for I shall have occasion to inlarge my proofes in the next, in answer to their exceptions) wee have sworne to beare true allegiance to the King, (such as have not are nevertheless strongly obliged by divine Law, and this duty doth naturally flow from the right to governe.) I request all men to examine their consciences how they can excuse themselves from flat perjury, if they indanger his life and endeavour to destroy him. It is expressely high Treason to compasse his death. 25. *Edw.* 3. Though God in his great goodnesse hath restrained their malice from effecting it, yet by shooting at him, by attempting to kill him, they are lost temporally, their goods and chattels, lands and tenements, and lives, are forfeited in Law; and what is most lamentable, their soules are eternally ruined. Disloyalty to their King is disobedience to God, I need not aggravate the sinne, the Apostles eloquence is most powerfull, *They that resist shall receive to themselves damnation.* The case is so extreamly plain, I am amazed that the people should be so bewitched into Rebellion, contrary to Oaths and solemne Protestations, and repugnant to Christianity. For they are condemned out of their own mouthes, unlesse that grosse *non-*

sense

ſenſe be true that they ſhot at him (as at *Edge-hill*) for His preſervation, and endeavoured to kill him in his owne defence. It is miſerable comfort which the doubtfull ſignification of κρῖμα can afford, but ſinking men catch hold of every reed. *The word in the Greek is rather to be tranſlated judgement and puniſhment,* (the words following are peremptory) *and as* Piſcator *obſerves, thereby is not meant eternall damnation, but the puniſhment, of the Magiſtrate in this life:* Maſter *Bridge* his Anſwer to Doctor *Ferne*, p. 4. This calls to minde thoſe men of whom *Minutius Felix* ſaith, they did *optare potiùs quàm credere*, rather wiſh then beleeve that no ſuch thing as eternall damnation was intended. The Analogy of the place will evince, that this word κρῖμα is like a ſword with two edges, fitted not onely to kill the body, but to deſtroy the ſoule alſo. That it threatens puniſhment from the magiſtrate is very true, but not all; you muſt needs be ſubject not onely for wrath, but likewiſe for conſcience ſake: *v.* 5. 12. *c.* to the *Romans*. You are exhorted not to rebell, becauſe you may be hang'd, but leſt confidence in numbers ſhould anſwer this objection, a ſtronger motive is uſed, you ſhall certainly be damn'd; It is probable, you may take the Gallowes in the way, but however Hell will bee the end. Though you eſcape a ſhamefull death, yet you have forfeited eternall life.

§. 4.

I Will begin with a moſt remarkable paſſage in *Calvins* Inſtitutions, wherein are many things worth our obſervation, and which will conduce much to the diciſion of the preſent diſpute. *Neque enim ſi ultio domini eſt effrænatæ dominationis correctio, ideo protinus demandatum nobis arbitremur. Quibus nullum aliud quàm parendi & patiendi datum eſt mandatum. De privatis hominibus ſemper loquor.* l. 4. c. 20. §. 3. *If correcting unbridled governments be his worke, who ſaid vengeance is mine, we muſt not therefore take Gods office into our hands, we cannot think to reforme the abuſes of higher powers is committed to us, to whom is given no other commandement but to obey and*

ſuffer

ſuffer. I ſpake alwayes of private men. This truth clearely delivered ſpeakes the goodneſſe of the cauſe, and demonſtrates the unlawfulneſſe of taking up Armes againſt the King, though their ſuppoſition were true (as it is evidently falſe) that His Majeſty did caſt off the bridle of eſtabliſhed Lawes, whereas He doth hazard His Life and Crowne in their defence. The quarrell is that he doth obſtinately maintaine our good old cuſtomes and conſtitutions (ſuch as experience hath confirmed happy and beneficiall to this Nation) and will not be over awed to make new Lawes, ſuch as private intereſts would force upon Him and the Kingdome.

This is a ſure ground for conſcience to rely upon, and evidently deſtructive of moſt of their popular principles, which have poyſoned the affections of the ſubjects. It is not lawfull forus to correct ill Governours, becauſe this cannot be effected without reſiſtance, and all private men have direct precept againſt this; that of obedience and patience. This will ſpeake home to the buſineſſe, when it will after appeare, that all inferiour Magiſtrates oppoſed to the higheſt, whoſe Delegates and Miniſters they are, are but private men.

In the meane while, wee may hence diſcover the falſhood of their principles, *viz.* That *the law of nature will juſtifie all reſiſtance againſt injuries, and for our owne preſervation; that no people is ſo mad as to contract to their owne ruine,* (and therefore may reſiſt any Magiſtrate, if their lives be indangered; the meaning is, if they have offended againſt knowne Lawes, which will certainely adjudge them to dye, the Magiſtrate ſhall bring them to a legall tryall at his owne perill) *or to agree to be ill governed; and therefore ſince there is a mutuall compact, if Rulers performe not their duty, the contract is diſſolved, and they are at liberty to right themſelves, and to governe their Governours, and to fling the Pilot over-board, if he wilfully ſteere upon the Rocks, not by way of juriſdiction, but ſelfe-preſervation.* That the King is for the people, and Governours are appoynted for the good of thoſe that are governed, and *therefore Subjects are the more conſiderable men, and greater and more honourable then thoſe who are placed over them, they bearing relation of the end, Ma-*

giſtrates

giſtrates but of the meanes, and ſo the ſafety of the people muſt give Law to the Magiſtrate, if he will bee peeviſh, and protect them according to old Lawes, When they fancy greater benefits from innovation; that *Quicquid efficit tale, eſt magis, tale*, but *according to their grounds, private men made all Magiſtrates, (for before they conſtituted ſome forme of Regiment by pactions and agreements, they were but a multitude of men, amongſt whom none had juriſdiction over other)* the concluſion is, *therefore private men are more Magiſtrates, and may call even the higheſt to accompt, and force him to be reſponſable for whatever they judge abuſe of power.*

The grounds upon which our ſeditious writers doe argue, are very contradictory in themſelves, and yet all of them conclude for Rebellion.

Some (and I thinke the greater part) confeſſe it is unlawfull for private men to reſiſt the Magiſtrate, though abuſing his authority. Theſe muſt needs acknowledge the weakeneſſe of thoſe arguments (which yet they conſtantly preſſe, and which prevaile moſt upon the peoples affections) that it is a ſenſeleſſe thing to imagine, wee can bee obliged to be ſlaves, in caſe a King be guided by his Luſts, not Lawes, or not to preſerve our ſelves againſt bloudy Tyrants. For their determination is contrary, that private men for want of authority to arme them, are bound to ſuffer. And *Calvin* is expreſſe, *lib. 3. c. 10. § 6. nullum magis præclarum facinus habetur, etiam apud philoſophos, quàm liberare tyrannide patriam. Atqui voce cœleſtis arbitri apertè damnatur, qui privatus manum tyranno intulerit.* They maintaine therefore, though private men ſinne in reſiſting; yet if countenanced by inferior Magiſtrates, then it is not Rebellion, but a juſt Warre. Theſe may be clearely convinced, if they will but conſider, that inferior Magiſtrates are ſuch onely in reſpect of thoſe who are under their juriſdiction, becauſe to them they repreſent the King, but in reference to the King, they themſelves are but Subjects, and can challenge no juriſdiction over him.

Some ſtate it thus; though not private men, nor yet inferior Magiſtrates, yet ſuperior powers may bridle the exhorbitant

lusts of Princes by force of Armes; this we grant, and therefore acknowledge, that in an Aristocracy where the lawes place the supreame power in such a body of men, what is done by their authority ought not to bee resisted, and if any one man take upon him regall power contrary to their constitutions he is a Traytor, and may be cut off. But this concludes nothing in a Monarchy, *Res apud alios acta, aliis non præjudicat*; for their error is. They make the two Houses the Kings superiors; who themselves disclaime it in words, and seeme to aske you, who made them supreame Ruler; for all their petitions (which are the acts of them not as *single* men, but as *united* bodies, and considered *unitivè*, not *disjunctivè*; *socially*, not *severally*) carry this truth in the Title, *Your Majesties humble and obedient Subjects, the Lords and Commons in Parliament, &c.* which acknowledges their obligation to be under him; and to say otherwise would be of dangerous consequence, for if they be not His Subjects, they put themselves out of His protection.

Some againe thinke it too grosse and absurd to maintaine, that Subjects in any capacity are above their King, and therefore a *coordination* serves their turne. By which if they meane an equall right in the King and the two Houses of a negative voyce, in respect of new Lawes to be enacted, or old abrogated; this is granted, but will doe them no service, and indeed it overthrowes their cause. For as the King doth not pretend that hee can make use of his power to make new lawes without their consent, so by the same reason, neither can they challenge a right of taking away our old Government without the Royall assent. But if they meane by coordination, a division of Soveraignty, this is against the nature of it, and a cleare contradiction. So that if he be our onely Soveraigne there is no such thing as coordination; if they be joynt-Soveraignes, in what a miserable condition are we *English-men*, who should be bound to impossibilities, to obey three masters commanding contrary things? They might as well challenge us to doe homage to them, which is and ought to be performed onely to the King, *cum per id efficiamur homines solius illius cui juravimus*, as the

Civilians

Civilians determine; and wee cannot be *duorum in ſolidum*: *l. Si ut cer. §. Si duobus D. Commodati.*

Some, and thoſe the moſt deſperate mutineers, lay ſuch principles, as will bring in a certaine confuſion: For they tell us obedience is commanded onely to good Magiſtrates; if men intruſted to governe according to Law faile in their duty, they ceaſe to bee Magiſtrates, for theſe are defined *Dei miniſtri nobis in bonum, The Miniſters of God for the good of the Commonwealth*; ſo that to deſtroy ſuch is to reſiſt the *men* onely, and not the *power*; it is a warre againſt the *perſon* onely, and not the *authority*, which is none, if uſed againſt Law, becauſe that doth not enable any to deſtroy it ſelfe, the Law cannot die legally; by power is not meant δύναμις, what they may do by ſtrength, but ἐξουσία, what they ought to doe in right.

This is the moſt reaſonable doctrine, becauſe coherent to it ſelfe throughout, but the moſt ſeditious doctrine likewiſe, becauſe it gives a full liberty to the people, not onely in a repreſentative body, (and therefore in the diffuſive much more, becauſe all the right *that* can pretend to againſt the King, is derived from *this*) but to any part of them, to any private man to reſume (as ſome expreſſe it) their power, or as others to make uſe of that power, which they never parted with to their owne inconvenience, and ſo all neceſſity of ſuffering, except when they have deſerved it, is taken away, and Chriſtianity is made a tame madneſſe.

To returne to *Calvin*, whoſe following words are much abuſed (though I muſt confeſſe ſome conceive them craftily laid downe by him, in reference to the time and place when and where he lived, and that his deſigne was to inſinuate ſome ſmall colour in plauſible Generalls, for that moſt unjuſtifiable action of the Citizens of *Geneva*, who had lately caſt off their true Prince, becauſe a Biſhop of a contrary religion) after hee hath informed us, that God requires all private men to obey or ſuffer though under Tyrants, hee addes, *Nam ſi qui nunc ſint populares magiſtratus*, &c. *If there bee at this time any Magiſtrates appointed by Law, in behalfe of the people, to reſtraine the licentiouſneſſe of Kings, ſuch as were the* Ephori, *oppoſed and ſet over*

the Lacedæmonian *Kings*, *the Tribunes of the people which curbed the* Roman *Conſuls*, *and the* Demarchi *who bridled the Senate at* Athens, *&c.* upon this ſuppoſition *they not onely may, but ought to reforme the abuſes of government, and to doe right to the poore Commonalty whoſe guardians they are.* This is undenyably true, but impertinent to the preſent controverſie, becauſe the People or Nobles cannot challenge that power in a Monarchy, with which they are inveſted under an Ariſtocraticall or Democraticall regiment, ſuch as *Athens*, *Rome*, and *Sparta* were.

It is very obſervable by the way, that by reaſon the ſupream power was placed in the *Lacedæmonian* Ephori, and *Roman* Tribunes, &c. their office made their perſons ſacred and inviolable. They did juſtly challenge the ſame impunity, which wee maintaine, belongs to Kings in a true Monarchy; for I argue not from the name, (for though the Duke of *Venice* were called King, it would not enlarge his authority, and the *Spartan* Kings had onely a Royall title, but were truly Subjects as wee learne from *Plutarch* and *Polybius*) but from the nature of that power wherewith the conſtitutions of a Realme doe inveſt one perſon. Hence appeares the unreaſonableneſſe of their ſeditious invectives founded upon ſome inconveniences, becauſe power will probably bee ſooner abuſed, if any perſon may doe what hee will, and not bee reſponſable for his injuſtice. Theſe kinde of Declamations, with which their Preſſes and Pulpits labour, ſtrike equally at all government. For there is a neceſſity we ſhould lye open to ſome poſſible evils from the abuſe of authority, or elſe we cannot provide for greater and certaine goods of common peace and publicke tranquillity. It is no prudence to cure the miſcarriages of government by a legall confuſion, ſince even the worſt government is leſſe miſerable then Anarchy.

I beleeve I can make a full diſcovery of thoſe wicked Arts whereby crafty men have opened a way to the advancement of their covetous and ambitious deſignes at the price of publicke calamity. *Tib. Gracchus* was excellently learned in thoſe damnable

nable politickes; and I desire all indifferent men to judge whether the unhappy disturbers of *England* have not exactly managed the miseries of this Kingdome according to his principles. He proposed some Lawes which might well become a reall lover of his Country, but his violence in the illegall establishment of them, which did evidently tend to confusion, did make it apparent, that publicke pretences were taken up in order to the satisfaction of private lusts. *Marcus Octavius*, as his fellow Tribune had the right of a negative voice, for if one Tribune dissented, no Ordinance could bee made which ought to have the power of Law. Hee not able to effect his ends, informes the people that this opposition between their equall authorities did threaten civill warre, and therefore it would concerne them as they loved their own safety, which was the supreame Law, to decide this difference, by recalling that power which they had bestowed, to the end they might receive benefit there from; but which was now abused contrary to a trust reposed, to their prejudice. The issue was, hee prevailed with them to depose *Octavius*, and he made them substitute a meane person, one of his dependants. But being sensible afterwards, that amongst all his illegall Acts, this gave most distaste, not onely to the Nobility and Gentry, who were indued with clearer understandings, but even to the slowly apprehending Commons, and that it proceeded from lawlesse passion to debase the highest dignity of Tribune of the people, and expose that sacred function to scorne and contempt, which ever before was justly esteemed inviolable, and such as secured the persons from being touched, hee brings these colours to excuse that most unpresidented action.

Graccus his seditious practises, their patterne.

'The *Authority* of Tribunes is truly sacred and inviolable, but 'for no other cause then as particularly devoted to protect the 'people, and established to advance their welfare: If therefore a *person* thus highly intrusted, failes in performance of 'duty, suffers the people for whom he serves, to bee oppressed, 'and endeavours to abridge their power, and denyes to them 'the meanes of expressing their will and pleasure by his vote; '(for hee is but their mouth, enabled by them to declare their

'meaning.)' In this case hee forfeits all Priviledges and Prero-
'gatives due to his office, because hee thwarts those very ends
'which first moved the people to bestow upon him such large
'preeminences: for if otherwise wee must be bound to sit still,
'while hee pulls downe the Capitoll, or sets the Navy on fire,
'and notwithstanding any violences, or whatever exorbitan-
'cies of his lusts and wildest passions, tamely to obey him as
'our Tribune, that is such an one who by vertue of our trust for
'the improvement of our safety, usurpes a right to cut our
'throats, and is our servant to destroy us. Certainly if hee en-
'deavour to stop that breath which created him, and to over-
'throw the underived authority of the people, he is no longer
'their Tribune. Is it not a most unreasonable thing, that a
'Tribune may imprison the Consull, if it conduce to the preser-
'vation of the State, because in that the peoples safety is con-
'cerned; and yet that the people cannot depose him in their
'own defence, and resume their power when imployed to their
'ruine? For as the Consul, so the Tribune likewise is the peoples
'creature; they live and move and have their being in their
'election. Againe, Regall dignity (in which the powers of all
'other Magistrates of what degree or ranke soever, were uni-
'ted and made up a personall Soveraignty) was declared sacred
'and holy by the most solemne and most religious Ceremonies,
'as approaching nearer to, and partaking much of Divinity:
'nevertheless the people expell'd *Tarquin*, abusing his Royall
'power, and some personall faults were thought a sufficient
'reason to take away the most ancient Magistracy, and that
'which founded *Rome* it selfe. There are not in this Citie any
'persons more holy, more venerable, then those pure votaref-
'ses the vestall virgines, whose charge it is to preserve the eter-
'nall fire. But if they staine their honour, our Law buryes
'them alive: They cannot challenge any priviledges belong-
'ing to their sacred employment, because when they cease to
'respect the Gods, wee no longer owe a reverence to them,
'which is paid onely in order to their service of the Gods. Can
'it then be reasonable to suffer the peoples enemy, to enjoy the
'priviledges due to their Protector? Hee would cut off those

'hands

'hands which hold him up. If the consent of the major part 'could make him Tribune, shall not the same power which did 'constitute be equally strong to dissolve? and much more can 'a greater power dispose him, the concurrence even of the 'whole people declaring him unworthy. What is more ho-'ly, what lesse to be violated, then things offered up and con-'secrated to the Gods? And yet no man dares forbid the peo-'ple to make use of these, or to remove them from one place 'to another, as oft as they shall judge it convenient so to doe. 'By the same reason, without dishonour to the Authority, 'they may discharge the person, and choose out a better habi-'tation for that sacred office. That the Magistrate is separable 'from the man is evident, because many, when made by the 'people, out of a love to a retired life, or a sense of their in-'firmities, and unfitnesse to manage the publique, have deposed 'themselves, others have intreated the people to choose more 'able servants. *Plutarch.* in the life of *Tiberius*, and *Gajus* '*Gracchi*.

It is needlesse to make the application. Observe the event; This illegall deed (which was justifyed onely by a pretended necessity, for I know not what imminent dangers did threaten the Common-wealth, except this Bill did passe) being ventured on by the unconsidering multitude to avoyd Civill Warre, proved the ready meanes to kindle it. The flames of which sodainely consumed the author, with many of his adherents. For one *Nasica* so managed *Gracchus* his seditious principles, that he killed him with his owne weapons. For taking advantage of the many discontents, hee requires the Consull to aide the publique safety, by destroying him who had usurped a tyrannicall power. The Consull replyes with much moderation, justice and prudence, 'It did not become him to make force the 'measure of right, nor could he kill a common Citizen, before he 'were brought to a legall tryall, and condemnation had past upon 'him. But he promises, if the people either seduced or awed by '*Tiberius*, should Vote any Ordinance contrary to established 'Lawes, he would esteeme it of no force, and would not yeeld 'to the observance of it. *Nasica* rises up in a rage, and gives the

word

word to the Tumult, since then the chiefe Magistrate neglects the common safety, wee must not be wanting to our owne preservation; such as will maintaine the reverence due to lawfull authority, follow me. In this mutiny *Tiberius* falls a sacrifice to the publique peace.—Stones and Staves were the onely weapons by which this popular man, and above three hundred of his companions were destroyed. The behaviour of *Blossius* a great incendiary, and an over active instrument to advance wicked designes, is very remarkable. He being arraigned before the Consuls, confesses freely, he had executed what ever *Tiberius* had commanded him. *Nasica* askes him, what he would have done if he had beene commanded to fire the Capitoll; He replyes *Tiberius* would not have commanded such a thing; others presse hard upon him to tell his resolution, in case *Tiberius* should have commanded it; He plainely tells them, he had then done it, being confident *Tiberius* would not have commanded it, except it were for the good of the people. The parallel will be defective, if there have not beene unhappy instruments, who captivating their sense to an implicite faith, and beleeving not what themselves feele, but what others Vote, are active in their owne ruine in pursuance of safety, and pull upon themselves misery and destruction in obedience to those Ordinances, which tell them the subjects happinesse is thereby advanced.

There are other circumstances fit to be taken notice off. He had provoked so many, he did not dare to be a private man againe, (not any *personall ambition*, but onely *State jealousie* would not permit him to lay downe his power) and therefore he so contrives his businesse, that the people may choose him Tribune the following yeare, not so much to satisfie any private desire (for he would seeme to rule onely in obedience to their commands) as to provide for their good in his owne safety. The way to this end was to court the Commons by all popular Artes. He propounded new edicts, by which the time of military service was shortned, and some yeares were cut off from the prefixed number, in which Roman Citizens were bound, when called upon to performe the duties of Warre. He made

made it lawfull to appeale from any ſentence to the judgement of the people. To the Senate (in whom onely before the authority to adminiſter juſtice did reſide) he joyned an equall number of the inferior Commons, ſo that a major part of them, with a minor part of Senators, if they made the major part of the whole, did ſway all buſineſſes. Thus, ſaith *Plutarch*, by all poſſible wayes, leſſening and weakning the authority of the Senate by creating greater power in the people, rather out of wilfulneſſe and obſtinacy, then ſound reaſon, which muſt needs perceive, it was voyd of all Juſtice, and very diſadvantageous to the publique intereſt. Hee had ſome other little Artes which ſtood him in good ſtead; when the Votes of the people were to be numbred to authorize his edicts, if he perceived his adverſaries would prevaile in number, becauſe ſome of his party were abſent, he would take ſome oppertunity to picke a quarrell with his fellowes, onely to divert the buſineſſe for the preſent, and gaine time, and if that would not doe, he would diſmiſſe the aſſembly, and command another meeting. Then would he appeare firſt upon the place in mourning apparell, and with afflicted lookes, and humble countenance, ſadly requeſting the people to take compaſſion on him, who ſuffered ſuch miſerable things, and feared worſe onely for doing them ſervice; and deſiring them to reward his faithfull endeavour by loving his poore Wife and little Children, for he gave himſelfe for a loſt man, ſince he had reaſon to feare (yet the cauſe in which he ſhould fall was an unſpeakable comfort) that the enemies of the Common-wealth, and ſuch as maligned their happineſſe, would come upon him in the night, and force his houſe, and murther him. Theſe well diſſembled griefes ſo wrought their paſſions, that the abuſed Citizens ſet up Tents about his houſe at their owne charges, and maintained a conſtant Guard for his protection.

When ſuch men ſhall make a State miſerable, under pretence of improving its happineſſe, and challenge to themſelves a right to breake all ſetled conſtitutions, under colour of forcing upon the Kingdome new Lawes, which will be more beneficiall; when they ſhall impriſon us at pleaſure, that wee may

injoy our liberties, and take away our goods to secure our property, and punish the most orthodox, conscientious, and painfull Preachers, and impose upon Congregations factious Lecturers to settle true Religion; and when they have acted such high mischiefes, shall tell us, the Nobility and Gentry of the Kingdome are Malignants, and delight in, and contribute there aides to advance an illegall government, who are certaine to suffer most in it, it is then time to cry out,

Quis tulerit Gracchos de seditione querentes?

I have beene tempted to a large digression, because the same Artes which made *Rome* miserable, are visible in our calamities. I will now proceed with *Calvin*; after he hath very conscientiously instructed us in our christian duty, by saying all resistance is unlawfull, unlesse undertaken by the authority of Magistrates, whom the Law enables to be the peoples protectors, and gives them the highest power (which can onely be in an Aristocracy or popular State) he hath afforded to great an occasion for mistake by an ungrounded conjecture, *Et quâ etiam fortè potestate, ut nunc res habent, funguntur in singulis regnis tres ordines, quum primarios conventus peragunt. And the same power, (which the Tribunes of* Rome, &c. *had) as things now stand, peradventure belongs to the three Estates, when they hold their principall assemblies.* I could wish, I were able to excuse him from temporizing; yet he layes it down extream cunningly, *perhaps, peradventure,* if this chance to be otherwise, you have nothing to say for your selves; you are condemned out of his mouth, and in a poynt of such highly concerning consequences, you have no reason to change his adverbe of doubting into an assertive. I shall oppose to his *perhaps*, it is certainely not so in *England*, because our Lawes make this a Monarchicall government, and so different from that of *Rome*, or *Athens*, or *Sparta*, and therefore conscience hath no warrant for resistance against him in whom the supreame power is placed.

The worke of the second section was, to prove it unlawfull for Subjects to resist him or them, in whom the supreame authority, that is, all the legall power of the Kingdome in order

to

to raiſe armes is placed. I ſhall now ſhew the invalidity of their exceptions againſt it, by manifeſting, that no diſpenſation grounded upon what cauſes ſoever, as indeavours to make them ſlaves or beggars, or to introduce another and a falſe Religion, and what elſe may be comprehended under the extreame abuſe of this power to their oppreſſion, or upon any perſons, as inferiour Magiſtrates, or any colour of preſerving the authority of the man, by fighting, and as much as in them lyes, deſtroying the man in authority, or of making the power well uſed for the good of the people, and not the perſon abuſing that power to be the miniſter of God, &c. can excuſe ſuch reſiſtance from the ſin of rebellion, and from Θεομαχία a fighting againſt God in deſpiſing his ordinance.

Tyrannicall abuſe of power doth not make taking up armes againſt the ſupreame governour lawfull.

Tyranny doth not diſpenſe with the Subjects duty of allegeance.

This truth is confeſt in words even by their cheife writers, though in the meane while, they make uſe of ſuch arguments to prevaile on the peoples affections (and exhort them againſt the King in the feare of God) as clearely overthrow this acknowledgement. The *fuller anſwer to Doctor Ferne*, ſaith thus, *there are two kinds of tyranny, regiminis and uſurpationis, that of government, though never ſo heavy, yet muſt be indured not only to the good*, (ſayes the Apoſtle 1. Pet. 2. 18.) *but the froward too, and therefore I know no man that defends the ten tribes revolt from Rehoboam*, p. 22. when they complained of ſome greivances under which they had groaned in his fathers reigne, hee was as indiſcreet, as unjuſt, and told them, he would oppreſſe them more, and yet becauſe he had *jus regiminis*, it is ingenuouſly granted, it was unlawfull for them to Rebell.

The *breife anſwer to Doctor Ferne*, thus, *we profeſſe againſt reſiſting power, authority, though abuſed.* Hee doth not hide himſelfe (as ordinarily) by dividing the *power* from the *perſon* who is inveſted therewith, but concludes againſt reſiſting the *men* alſo. *If thoſe who have power to make lawes, ſhall make ſinfull lawes*, (that is prove tyrants) *and ſo give authority to force obedience, we ſay here, there muſt be either flying or paſſive obedience*, p. 113. By the ſame reaſon, if he that hath the only power

by lawes already made, to traine, array and muſter, and to diſpoſe of the *Militia*, with which he is intruſted for his Subjects protection and his owne ſafety, ſhould put them into hands, which they cannot confide in, yet there muſt be no warre waged to prevent a ſuppoſed danger, there muſt bee either flying or paſſive obedience.

But if one that is in authority command out of his own will, and not by law, I reſiſt no power, no authority at all, if I neither actively nor paſſively obey, no, I do not reſiſt ſo much as abuſed authority. If you mean by not paſſively obey, take up armes againſt (which you muſt, if you ſpeake pertinently, and would make an application of this anſwer, to the juſtification of hoſtile reſiſtance in Subjects) you do reſiſt power and authority in this caſe. For though you are not obliged to yeeld obedience, either contrary to divine precept, or the knowne lawes of the realme, yet by making uſe of armes, you tranſgreſſe that law, which diſables ſubjects to make warre without the Princes authority, much more againſt his expreſſe command, to the manifeſt indangering of his royall perſon. Hee anſwers, *this had been but accidentall.* p 121. and ſo we are told by others, *he might have ſtayed away:* Thoſe damn'd aſſaſſins and bloudy villanies, by whoſe hands the two *French Henries* fell, might have made the ſame plea for their execrable murders. If they had not come in their way, which they might have avoyded by locking themſelves up, or by ſome other meanes, they had not been killed by them. But he implies, *a deſire and beſeeching him not to bee there, but to withdraw himſelfe.* If the King had as full right to bee there, as in any other place within his Kingdome, they may with the ſame reaſon juſtifie the murder of him, if hee will not be intreated to keep ſuch company onely as they ſhall allot to him, or to leave his Court, or creep into an oven.

The Author extreamely contradicts this duty, before profeſſed in the name of all, of flying or paſſive obedience, and layes downe a moſt deſperate concluſion, which diſolves all government and makes Anarchy legall. Upon ſuppoſall that Parliaments (taken in the onely true ſenſe for King, and Lords, and Commons)

Commons) ſhould degenerate and grow tyrannicall; *I confeſſe* ſaies he, *the condition of ſuch a State would be very dangerous and like to come to confuſion; particular men could not helpe themſelves, and the whole Sate* (marke how he fancies a whole State, when oppoſed to King, and Lords, and all the Commons repreſentatively; what can this State be, but ſuch a number of particular men, who he ſaith, cannot help themſelves?) *ought to ſuffer much before it ſhould helpe it ſelfe by any wayes of reſiſting; but if you can ſuppoſe a Parliament ſo farre to degenerate, as they ſhould all conſpire together* (all in Law are the major part of both Houſes with the Royall aſſent) *with the King to deſtroy the Kingdome* (How unreaſonably he expreſſes a ſuppoſall of being wonne to ſatisfie private Intereſts by making prejudiciall lawes to the Subject in generall, let him tranſlate the ſcene into *Ireland*, and he may thinke the ſuppoſition very poſſible) *and to poſſeſſe the lands and riches of the Kingdome themſelves* (not all, but in an unequitable proportion) *in this caſe whether a law of nature would not allow of ſtanding up to defend our ſelves, yea to reaſſume the power given to them* (this is a cleare confeſſion, they parted with their power) *to diſcharge them of that power they had, and ſet up ſome other, I leave to the light of nature to judge.*

But you will ſay, this cannot be, becauſe the higher powesr muſt not be reſiſted by any. *Objection.*

This is not properly to reſiſt the power, but to diſcharge the power, to ſet the power elſewhere. *Anſwer.* They daily improve their principles, and now profeſſe plainly, what underſtanding men did before collect from their grounds, that it is lawfull not onely to depoſe a King, but even the Parliament. He is very apprehenſive he hath ſpoken out (and it is very ſtrange the Committee ſhould order this doctrine to be publiſhed) *I know* ſaies he, *this will be cryed out of, as of dangerous conſequence, wherefore God deliver us,* (as I hope he will) *for ever making uſe of ſuch a principle, pag.* 113, 134.

They confeſſe generally, they are bound to defend the Kings perſon; (and if they ſhould ſay otherwiſe, we have their oathes and ſolemne proteſtations againſt their words) witneſſe the 23 day of October (which may require an Annuall gratitude for

the great deliverance both of Church and State in the preservation of His Majesty) whether they did according to the information of their own consciences. All the answer I can meete with carries this sense, which I will expresse in Mr. *Burroughes* his words; *As for the Kings person, is it not the profession of the Parliament to defend it?* pag. 112. and againe, *why doth the Doctor speak of stretching forth the hand against the Lords Anointed? who endeavours it? doth not the Parliament professe the defence of the Kings person?* p. 120. Hence it appeares, they know their duty, the question is, whether they performed it, who directed their Cannon more especially against His sacred Majesty; which they cannot esteeme an accidentall thing, who are not ignorant of that treacherous advertisement which *Blague* gave in to the Earle of *Essex*, in what part of the battell, the *King* and *Prince* were, that they might at one blow, cut off our present happinesse and future hopes. I desire onely, that their eares would not hang in their eyes, and that men would not beleeve authority against sense. I shall onely say, most miserable is he; who condemneth himselfe in that thing, which he allowes and practises.

Tyrant is opposed to King, and they are incompatible.

Ex. If they understand *tyrant* under this notion, as an *usurper*, this
Answ. is very true, but nothing pertinent, for there is not any just scruple, but those may be turned out by force according to law, who come in by force against Law; as in the case of *Athalia*, destroyed by *Jehoiada*, whereby *Joash* who had true title, was established in the throne. But if they mean (as they doe, if they would conclude for themselves) a *King* having right to governe, and proving a wicked or weake Prince, it is false that this *Tyrannus cum titulo* the Lords Anointed, though he abuse that power (for *Chrisma domini*, this *holy oyle* onely excludes usurpation, and includes a just title onely, and not either the Orthodox religion, or goodnesse or prudence) is opposed simply to a King, but to a just or wise King. As therefore his right to the Crowne, is not founded in his divine or morall vertues, but in a lawfull succession, so neither can contrary vices dispense with any to depose him, or lift up their armes against him.

This will be evident, if we consider what kinde of Prince he

Was,

was, to whom Saint *Paul* writing to the *Romans*, forbade reſiſtance for conſcience ſake. It was *Nero*, in whom very happily this poſition might be inforced to the height, and yet all their exceptions are determined invalid. Notwithſtanding his Idolatry, his oppreſſing his Subjects by ſtrange cruelties, and perſecuting the Saints.

—— Quæ diviſa tyrannum
Efficiunt, collecta tenens ——

Yet the Apoſtle commands not to reſiſt even him upon paine of damnation, Our (or rather Saint *Pauls*) adverſaries ſeeme to object, *durus hic ſermo*, this is a hard ſaying. The Law of Nature allowes ſelfe preſervation ; the people made *Nero* Emperour by their conſent, (for uſurpation can give no right) and therefore are more powerfull then he, for *Quicquid efficit tale, eſt magis tale.* The people may be without the Emperour, the Emperour cannot be without the people: It is not probable the ſafety of mankinde ſhould depend upon the luſt of one man, &c. I ſhall anſwer with the Civilian, who teacheth us to obey and not diſpute even humane conſtitutions. *Quod quidem per quàm durum eſt : ſed ita lex ſcripta eſt. L. proſpexit. D. qui & à quib.* It was Gods pleaſure ſo to order humane affaires. Such Chriſtian ſubmiſſion doth moſt commonly produce peace and plenty in our ſtreets, and is the mother of many goods, but if the abuſe of power ſhould bring evils upon us, they cannot be ſo great, ſo generall as civill warre would create. But ſuppoſe we ſuffer more in a corrupt peace, then amidſt ſuch unnaturall diſtractions as this miſerable Country now bleedeth under: yet we ought not to be tempted to impatience, but ſhould rather rejoyce, that God hath enabled us to ſtand out his fiery tryall ; ſuch afflictions if rightly underſtood, are bleſſings, and though we are not bound to pray for them, yet we ought to give thankes. Bad Rulers (if wee doe not imitate, whom we condemne, and neglect our duty, becauſe they performe not theirs) are but unhappy inſtruments of our greater glory. If we did deeply conſider the fruits of our patience, we ſhould certainely pitty, and perhaps love our oppreſſors, as the unfortunate occaſion of our higher bliſſe.

The

The Christians under *Julian* were very sensible of this duty, and confesse themselves bound to obey him in all lawfull things, and they did accordingly fight his battailes; but when a greater then he did interpose, *cessabat potestas minoris*, they chose to serve God in the first place, and redeemed their not obedience to him, by offering up their bodies willing sacrifices. For they wanted not numbers sufficient, as appeares by the Armies electing *Jovianus* a Christian to succeed him in the Empire, with this acclamation, *Christiani sumus*. If resistance were lawfull in any case, never men could have brought fairer pleas. *Julian* was an Apostate from the established true religion; he dealt with Sorcerers and Magicians, and professed against doing justice to the Christians, making sport with their injuries, and returning no other answer to their teares, and humble Petitions but such scoffes as these; It is part of your religion to be abused; you forget the *Galilaans* precept. Why doe you not rather suffer wrongs? you must forgive all offences against you, as you hope to be forgiven; if they strike you on one cheeke, you are bound to turne the other also; if they take away your cloaks, that gives them a just title to your coates also, if at least he whom you worship have power to dispose of your goods; you are bound from going to Law, and rendring evill for evill; why doe you petition against, who are bound to pray for your Persecutors? If they take away your reuenues, they advance you into the state of perfection, which requires, you should not possesse any thing, &c.

They were more persecuted by his wit then his cruelty, and yet though he did even wanton in their miseries, his barbarous usage could not prevaile with them to neglect their calling, but they committed themselves to him who judgeth righteously, and he revenged their causeless sufferings in his destruction; for as stricken from Heaven, he cryed out, *O Galilaan, thou hast got the better.*

It is as hard a matter to perswade men to obey, or suffer under bad Princes, as it is to make them (the same in practice which they are in profession) true Christians. For they are very apt to corrupt the plaine Text with false glosses, as oft as religion

ligion runnes crosse to civill interests. Their strong desire it should be false supplyes the defects of arguments, which could not be able to stand against manifest truth, if affections had not a more powerfull influence upon humane actions, then reason. I shall therefore labour to prove what they are so unwilling to beleeve, and I will lay downe the conclusion in *Calvins* owne words (whom they cannot except to as a *Royalist*) *In homine deterrimo, honoréque omni indignissimo, penes quem modò sit publica potestas, præclaram illam & divinam potestatem residere, quam Deus justitiæ ac judicii sui ministris verbo suo detulit. Proinde à subditis eadem in reverentia & dignatione habendum, quantum ad publicam obedientiam attinet, quâ optimum regem, si daretur, habituri essent. Let his vices be never so many, so great, and his merits small or none, yet by reason of his office we must esteeme his person sacred; God doth shed upon him the rayes of Divinity, by constituting him his Minister: wherefore his Subjects should looke upon him with the same reverence and awe as they would upon the best King.* Instit. l. 4. c. 20. §. 25.

The Heathens went farre, *Voto expetendos bonos principes, qualescunque tolerandos*; But Christianity goes higher, we may pray for the best, but we must not onely suffer, but yeeld chearfull and hearty obedience to the worst. If any doubt arise, let them consider the divine providence so frequently mentioned in the Scriptures, and his especiall disposing of Kingdomes. *The Kings heart is in the hand of the Lord as the rivers of water, he turneth it whither soever he will*: *Prov.* 21. 1. and *Dan.* 2. 21. *He changeth the times and the seasons: he removeth Kings, and setteth up Kings, &c.* There is a place in *Jeremy* very apposite *I have made the earth, the man and beast that are upon the ground by my great power, and by my out-stretched arme, and have given it unto whom it seemed meet unto me, and now have I given all these lands into the hands of* Nebuchadnezzar *the King of* Babylon *my servant, &c. and the Nation which will not put their necke under the yoke of the King of* Babylon, *that Nation will I punish saith the Lord with the sword, and with the famine, and with the pestilence, untill I have consumed them by his hand. Therefore hearken not ye to your Prophets, nor to your Diviners,*

nor to your Dreamers, which speake unto you saying, ye shall not serve the King of Babylon: *for they prophecy a lye unto you that ye should perish.* cap. 27. He was a fierce Tyrant, and yet obedience was enjoyned by God, because hee had a right to governe them. I have inlarged my selfe upon that of *Samuel*, *Hoc jus erit Regis*, this shall be the right of the King who shall reigne over you; and it amounted to this, to destroy their liberties and property. *Calvin* drawes this conclusion from it; *Kings could not doe so according to right, because the Law was against it, which instructed them in their duty to governe justly; but it was called* jus in populum, *a right over the people, to which they must needs be subject; nor was it lawfull for them to resist.* l.cit. §.26.

It is a frivolous objection (saith he) *that this precept concerned onely the* Israelites; *because the command is generall, and obligeth all not to resist him to whom the Kingdome of right appertaineth.* The counsell hence inferred is very good, let not us therefore breake our duty, because Kings performe not theirs. If we live under a bloudy Prince, or covetous, or intemperate, or weake, or one that persecutes the most godly professors, let us call to minde our own sins, which have deserved greater castigations. Let us thinke it is Gods sword, the sword of Justice, though man commit murther with it. If we have deserved to die, and the Law passe sentence upon us, we ought not to be impatient, though we be cut off by a wicked executioner.

Exc. Many *examples are alleadged out of the old testament to colour this breach of duty.*

Answ. We have plain precept not to resist, and must conforme our actions to knowne rules, not the practice of others. For instance, *Who can lift up his hands against the Lords anoynted and be guiltlesse?* this implyes a command not to rebell. *Let every soule be subject to the higher powers. He that resists the power, resists the ordinance of God. Submit your selves to every ordinance of man for the Lords sake, whether it be to the King as supreame, or unto Governours as unto those who are sent by him. Legibus vivendum est non exemplis:* Examples can onely shew what was done, not what ought to be done.

To

To answer briefly, the examples by them produced are either *impertinent*, as being acted upon Usurpers, or *not to bee drawne into a rule*, because extraordinarily allowed by God, who may dispense with his own law (but this cannot warrant our imitation, no more then the Israelites robbing the Ægyptians can licence *Plundering*, or any other illegall *weakning the wicked*; or *Jacobs lying* to his Father, can excuse want of sincerity and truth, when by false reports, they may probably undoe their brethren; or *Jaels* breaking trust in murdering *Sisera*, can dispense with killing enemies, after composition made to save their lives) or lastly they were *unjust*. To run over the particulars would be more tedious then profitable, because they are all clearly solved by applying one of these three: They are *impertinent*, or *extraordinary*, or *wicked*.

Secondly, If wee should grant that it were lawfull for the Jewes to resist Tyrants in their owne defence, this comes not home to us, who are *called* as Saint *Peter* sayes, to beare the Crosse, and to follow Christs example. When wee are in danger of being killed for our Religion, all that is allowed to us is, onely to *flye from one City to another*. Wee may better submit to so high a degree of patience in consideration, our well being is not provided for in this world, and dispise death, because the joyes of eternall life are so plainely set before us in the Gospell, whereas under the Law they were entertained with promises of temporall blessings, and it must needs goe to their hearts to loose the proposed reward of keeping the Law, length of dayes, by their due observance of it, and this upon a suspition of a better life, rather then a confidence grounded upon any plaine promise.

I have formerly shewed the practice of the primitive Christians, which was so apparent, that not having so much impudence as to deny it; nevertheless they have invented severall exceptions to it, which take off the glory of their innocence. I have beaten them out of their strongest fort, which was this, *deterant vires, They had a good will to rebell, but wanted power onely.* 1. Exc.

The Christians were but private men, and for that reason 2. Exc.

could not lawfully resist, but if they had been countenanced with the authority of the Senate, questionlesse they would not have submitted themselves so tame to the slaughter.

Answer. First, these men who grant thus much are bound in conscience to answer their owne arguments, drawne from the law of nature, which they tell us allows selfe defence, though with the Magistrates destruction, and taken from the chief topicke of their invectives, that no body did contract to be ill-governed, much lesse to be ruined, and therefore no obligation can lye upon them not to preserve themselves. But these and such like reasons are evidently confuted by all those Texts which binds us to suffer though wrongfully, as we have Christ for an example, &c. Those holy men, who submitted their bodies to the flames, lookt upon martyrdome, not as a thing of choice, but of duty. They might have pleaded the law of nature, and the injustice of their persecutors, whose office was to be a terror to the evill, and to countenance doing that which is good; but such sophistry could not prevaile upon religion, which had bound up their hands from revenging themselves upon private men, and much lesse upon the Magistrate.

Secondly, that the Senate had no authority to wage Warre against their Emperour, will bee evinced from *Rom.* 13. 1. & 1 *Pet.* 2. 13, 14. applyed to the civill constitutions of the Roman Empire. Submit to the King as supreame, that is, to the Roman Emperour, saith *Diodati*, *c. all' imperator Romano, detto tal-volta Rè dalle natione stranieri.* *Ulpian* acquaints us, there was not any legall power but in him; *what he determines hath the force of law*, he adds the reason, *because the people in whom the Senate are included, by the* lex regia, *gave unto him the right to manage all their power. Utpote cum lege Regia, qua de imperio ejus lata est, populus ei & in eum* (which signifies, *in se*, saith *Theophilus*) *omne suum imperium & potestatem conferat. l. quod princ. D. de const. princ.* *Justinian* clearely decides the case; if the Emperour shall take any cause into his cognizance, *omnes omnino judices*, let all judges whatsoever know, that this sentence is law to all effects, not only in the particular cause, but it becomes a rule to decide all like cases by. For what

is

is greater, what more sacred then the Imperiall Majesty? or who is so insolent, *ut regalem sensum contemnat?* The sense even of the Senate was not to stand in competition with Royall constitutions, *l. si imperial D. de legib.*

Wee may fitly observe, that some Emperours did by Acts of grace limit their legislative power, which was solely in them, and bind themselves from the use of it, without the advice of the Senate, as is to bee seene, *l. humanum. Cod de legib.* and may be collected from *Auth. Habita quidem, C. ne fili.* and divers other constitutions; yet this gave no power to the people, to be imployed against them, if they should not performe their duty. This grant made the Roman Empire like the Kingdome of *England*, (for wee have a cleare and full testimony from our Common Law, that the legislative power is onely in the King, though the use of it bee restrained to the consent of the Lords and Commons in Parliament, *le Roy fait les leix avec le consent du Seigneurs & Communs, & non pas les Seigneurs & Communs avec le consent du Roy.* The King makes Lawes with the consent of the Lords and Commons; and not the Lords and Commons with the consent of the King.) or that which *Virgil* describes,

——*gaudet regno Trojanus Acestes,*
Indicitq; forum, & Patribus dat jura vocatis.

It is the most unreasonable thing that ever was fancyed, that Subjects assembled, should have greater authority then their King, without whose call they could not have met together, and at whose pleasure they are dissolved in Law, and bound to depart to their own homes.

The *Anticavalier* doth pitifully intangle himselfe with this objection, and first he tels us, hee is confident *Tertullian* did not speake the truth, when he imputes their patience to the power of godlinesse, which prohibited resistance, and not their want of force to withstand; Hee might as easily have given the lye to *Cyprian*, to the Ecclesiasticall writers, who relate the story of the *Theban Legion*, and aquaint us, that the greatest part of *Julians* Army against the Persians consisted of Christians. But supposing, as he had good reason, this bold de- 3. Ex.

nyall would not give satisfaction, it not being likely his credit should goe farther then the records and evidences out of Holy Fathers and Church story, after severall fruitlesse essayes to solve it, he pitches at last upon this; That honest liberty was hid from them for some speciall ends, which since God hath revealed to this latter age, and therefore hee gave to them an extraordinary spirit of patience and courage, which is inconvenient for these dayes wherein God hath afforded a more plentifull light, and shewes us our liberty, and that there is no necessity of being Martyrs. It is now the wickeds turn to suffer. I will set downe his words at large, for they are so strange, sober men might doubt the faith of a relater.

'Certaine it is, That the frame and tenor of Gods after dispensations did require, that such a liberty should be hid from 'them; or at least, that they should not make use of it; as on 'the contrary, the nature and purport of those dispensations 'which God hath now in hand, requires that this liberty 'should be manifested, and made known unto Christians. Wee 'know, that according to the counsell and foreknowlege of 'God, Antichrist was then to come into the world: as now 'wee know that hee is about to bee destroyed, and cast out of 'the world. Now this is a generall rule, looke what truthes 'were necessary to bee shut up, and concealed from the Churches of Christ, that Antichrist might passe by, and get up into 'his throne; the discovery and letting out of the same into the 'world, are necessary for his pulling downe, &c. But God 'casting a dead sleep (as it were) to fall upon those truthes 'which should in speciall manner have opposed him, he had 'the opportunity without much contradiction or noyse to 'steale and convey himselfe into that *cathedram pestilentiæ*, 'that chaire of Papall State, which yet hee possesseth. Now a'mongst many other truths which were of necessity to bee 'layd a sleep, for the passing of this beast unto his great power 'and authority, and for the maintaining and safeguarding of 'him in the possession hereof, this is one of speciall considera'tion; That Christians may lawfully in a lawfull way, stand up 'to defend themselves, in case they be able, against any unlaw-

'full

'full assaults; by what assailants, or by what pretended autho-
'rity soever made upon them. For had this opinion beene ti-
'meously enough, and substantially taught in the Church, it
'would certainely have caused an abortion in Antichrists birth,
'and so have disappoynted the Devill of his first borne. Had
'not the spirits, and judgements and consciences of men beene
'as it were cowed and marvailously imbased and kept under
'(and so prepared for Antichrists lure) by doctrines and te-
'nents, excessively advancing the power of superiors, over in-
'feriors, and binding Iron yokes and heavy burdens upon those
'that were in subjection, doubtlesse they would never have
'bowed downe their backs so low, as to let such a beast over
'them, they would never have resigned up their judgements
'and consciences into the hands of such a spirituall Tyrant as
'he. So that you see, there was a speciall necessity for the let-
'ting of Antichrist into the world, yea and for the continuance
'of him in his throne, that no such opinion as this which wee
'speake off, whether truth or untruth, should be taught and be-
'leeved; I meane, which vindicateth and maintaineth the just
'rights and liberties, and priviledges of those that live under au-
'thority and subjection unto others.

'Whereas, now on the contrary, that time of Gods preor-
'dination and purpose, for the downefall of Antichrist, draw-
'ing neere, there is a kinde of necessity that those truths which
'have slept for many yeares, should now be awakened; and
'particularly that God should reveale and discover unto his
'faithfull Ministers, and other his servants the just bounds and
'limits of authority and power, and consequently the just and
'full extent of the lawfull liberties of those that live in subje-
'ction. Evident it is that they are the Commonalty of Christi-
'ans, I meane Christians of ordinary ranke and quality that
'shall bee most active, and have the principall hand in execu-
'ting the judgements of God upon the Whore. Consider th t
'place, *Revel.* 18. 4, 5, 6. Now that this service shall be per-
'formed unto God by them (Christians I meane of under ranke
'and quality) contrary to the will, desires, or commands of
'those Kings and Princes under whom they live, it appeares by

'that

that which immediately followes, *v. 9. pag.* 30, 31, 32. The peremptory conclusion of all is, that the lawfulnesse of Rebellion is now discovered to Gods Church, as the necessary meanes to ruine Antichrist; for the Kings will never be perswaded to effect this great and holy worke, and therefore the People must.

Whereas the Text saith expresly, That the *ten Kings shall hate the Whore, and shall make her desolate and naked, and shall eate her flesh, and burne her with fire. For God hath put in their hearts to fulfill his will, Revel.* 17. 16, 17. Least the people should be frighted by this (as they justly ought) from making rebellious attempts against *lawfull authority*, because *that* in Gods good time will arme them, and fight joyntly the Lords battaile against the Beast, he labours to remove this scruple. *I conceive* saith he, *this is not meant of the persons of Kings, but of their States and Kingdomes* (id est) *of the generality of the people under them.* Master *Goodwin, pag.* 32. The Kings shall hate the Beast, that is, the people shall hate their Kings, and religiously rebell against them in order to the destruction of Antichrist.

The same Doctrine is delivered by Master *Burroughs, There is a necessity that in these times peoples consciences should be further satisfied in their liberties then formerly, because the time is* (wee hope) *at hand for the pulling downe of Antichrist, and we find by Scripture this worke at first will be by the people, Revel.* 18. *pag.* 144. and for a close, *pag.* 145. *Surely the right knowledge of these liberties God hath given the people, will much helpe forward the great things God hath to do in this latter age.*

I must confesse, my heart is filled with sorrow, when I consider how farre the reformed Religion is degenerated, which can be no longer pure then it continues peaceable. But alas! it is become the mother and nurse of Rebellion; it foments sedition; and advances the ruine of States. What a sad thing is it that factious Preachers should so farre bewitch the people by strong delusions, as to prevaile with them to neglect plaine duties of subjection and obedience upon the strength of obscure propheceyes? whereas they ought to live according to precept, not predictions; many of which shall not bee fulfilled but by the

the sinnes of wicked men; Blesse me O Lord from being an instrument to bring such thy workes to passe. It is our onely safe way, not to doe evill that good may come of it. The Apostle forbids it, and the reason may be this, God hath no need of the sinfull man. Why shouldst thou cease to bee good, for feare God else would not be true? *Babylon* will certainly fall, though wee walke uprightly; to feare God and honour the King, are no stops to the destruction of that man of sin. After such fiery spirits have engaged the Kingdome into probable wayes of utter ruine and desolation; after your hands have beene imbrued in the bloud of the ancient Nobility, and you have miserably torne in pieces the brave and honest Gentry, and exposed the seduced Commons to those fatall mischiefes, which accompany the Sword, Pestilence, and Famine, and the bleeding State shall at lenth grow wise, and unite againe for the preservation (if it be possible) of the ruinous remainder, rather out of a wearinesse of the insupportable calamityes of Warre, then out of a Christian love, which would have continued unto us the blessings of peace; All the satisfaction which these false Prophets can give, for the unspeakable mischiefes which they have pull'd upon their unhappy Countrey, will be onely this; *We were mistaken in those places of* Daniel *and the* Revelation: *The time, it seemes, is not yet come, The Saints must still expect, and Gods holy ones must waite and pray for a more happy opportunity to perfect the great worke by Rebellion.*

There is a mutuall contract between King and subjects, and if He breake the Covenant, He forfeites the benefits of this agreement, and He not performing the duty of a King, they are released from the duty of Subjects. *Exc.*

The Jewes could have made this plea, grounded in the nature of a Covenant, the breach of which (though instituted by God betweene King and People, *Deut.* 17.) was no dispensation for them to Rebell, as was evidenced formerly. The Kings of *Persia* though confessedly Supreame, and not responsable to their subjects, yet tooke an oath, at their inauguration, as *Zenophon* and *Diodorus Siculus* informe us, and it was not lawfull for them to alter certaine lawes, as appeares in *Daniell*, never- *Answ.*

 theleſſe

theleſſe their miſcarriages in government, did not diſpenſe with their Subjects loyalty. If a Father promiſe any thing to his children, they have a full right to his performance; but in caſe hee prove diſhoneſt, he doth not thereby looſe his right to governe them, nor are they excuſed from their duty of honour and obedience; So there is a contract betweene Husband and Wife, the violation of which on the mans part doth not bereave him of his dominion over the woman. I confeſſe, a great obligation lyes upon Kings, not onely from their Oathes and promiſes, and agreements, but expreſſely from Gods law alſo, to governe the people committed to their charge, with juſtice and equity. And if they abuſe their power, Gods puniſhment will be as high as their ingratitude. The greateſt temporall favour which God beſtowes upon any ſingle man, is to make him his Vicegerent, his immediate Deputy, *Chriſtum ſuum*, his anoynted; and the greateſt bleſſing he hath given to mankinde is government, by which he hath provided for the common good of all. Now if he turne this bleſſing into a curſe, if hee who is ſet over a people to puniſh evill doers, perſecute thoſe who doe well, he muſt expect a fearefull judgement from the Almighty, it is pathetically expreſt in *Wiſdom. 6. Heare therefore O yee Kings, and underſtand, learne yee that be Judges of the ends of the earth. Give eare you that rule the people, and glory in the multitude of nations. For power is given you of the Lord, and ſoveraignty from the higheſt, who ſhall try your works, and ſearch out your counſels. Becauſe being miniſters of his kingdomes, you have not judged aright, nor kept the law, nor walked after the counſell of God. Horribly and ſpeedily ſhall he come upon you: for a ſharpe judgment ſhall be to them that are in high places. For mercy will ſoone pardon the meaneſt: but mighty men ſhall be mightily tormented. For he which is Lord over all, ſhall feare no mans perſon, neither ſhall he ſtand in awe of any mans greatneſſe, for he hath made the ſmall and the great, and careth for all alike: but a ſorer triall ſhall come upon the mighty.*

Thus much is granted, but to conclude from this obligation that a non-performance induces a forfeiture of his crowne, and that we may make hoſtile reſiſtance againſt unjuſt commands,

is

is a very weake way of reasoning. For consider with your selves; is there not a mutuall duty between husband and wife, parents and children? Fathers must not provoke their children to wrath: but bring them up in the nurture and admonition of the Lord, *Eph. 6. v. 4.* Husbands should give honour to their wives as unto the weaker vessels, *1 Pet. 3. v. 7.* Suppose some fathers prove froward, some husbands unkinde, yet cannot their faults dispense with the duty of children and wives. The King —*Urbi pater est urbique maritus*, is both husband and father, not to single persons, but to the Commonwealth. There are many resemblances in matrimony which will afford great light to the better understanding the duty of Subjects. The consent of the woman makes such a man her husband, so the consent of the people is now necessary to the making Kings (for Conquest is but a kinde of ravishing, which many times prepares the way to a wedding, as the Sabine women chose rather to bee wives, then concubines, and most people preferre the condition of Subjects though under hard lawes to that of slaves) If wee apply their arguments their Sophistry will clearely appeare. For *Quicquid efficit tale, est magis tale*, and *constituens est major constituto*, bestowes upon women the breeches, as well as the Crowne upon the people, and *unumquodque eâdem potestate dissolvitur, quâ constituitur*, gives the same licence to a woman to cast off the bonds of wedlocke, as to Subjects those of subjection. As in Marriage, so in Monarchy, there are two parties in the Contract; though without a mutuall agreement there could be no Covenant, yet after it is once made the dissent of the inferiour party, let it be not upon fancyed, but reall discontents, cannot dissolve the compact. Consent therefore joynd Man and Wife, King and People, but divine Ordinance continues this Union; Marriages and Governments both are ratified in heaven. *Quæ Deus conjunxit, homo ne separet*, whom God hath joyned, let not man put a sunder; They must take their King for better for worse. It is very observable though it was permitted to the man in some cases, to give a bill of divorce, yet this licence was never allowed to women; so Fathers might abdicate their children, not they their Fathers, Women cannot unmarry, nor the

people unsubject themselves. If any shall mistake with the Disciples, if the case be so, it is good not to marry, it is good to live without a King; they ought to consider that God is wiser then they, and best knows how to order things for the good of mankinde.

That I may (if it be possible) undeceive the misled multitude; I shall grant if a people choose one man, and bestow the name of King upon him, yet if they retaine the supreame power in themselves, and expresse it by making a law that in case he shall doe such and such things, hee shall forfeit his right to governe, then it is very lawfull to depose him upon breach of such conditions. For then this state is a Democracy, and the legall power is in the people. Such a case is very possible, for if the royall line in any Kingdome should faile, and there want one descended from his loines to sit upon the throne, then, as a woman after the death of her husband, is free to marry to whom shee will in the Lord, so the people may make what government they please, they may call one King, and place their Ephori or Demarchi and Tribunes over him. It is not materiall that this is not so wise a government, for it is not prudence, but such a consent, not the understanding, but the will of the people that constitutes the forme; In such a state hostile resistance against him (though called King) may bee a just warre, because the law enables them to fight, and the Prince may bee a rebell and Traytour.

Let them prove that *England* is no Monarchy; that they are not bound to beare true alleagiance by a necessary obligation flowing from the civill constitutions of this Realme; that they may lawfully kill him, whose life they have sworne to defend with their utmost power, let them produce any law which gives power to English Subjects to Traine, Array, Muster without the Kings authoritie, that I may not say against his expresse Command, and to the end they may destroy him; when they have done this and confuted their oathes of *Supremacy* and *Fealty*, and made it appeare to the world they were forsworne, I will cease to presse them with that of St *Paul*, *you must needs be subject not only for wrath, but also for conscience.* I will then direct

direct my ſpeech to the King, and indeavour to perſwade him to ſubmit to the People, *under whom* he governs. But ſince they doe not ſo much as pretend any law but juſtifie their Rebellion onely by (that word fatall to this Kingdome) neceſſity, and lay downe a Principall, fit to diſturbe the peace of all nations, that when dangers threaten, Lawes muſt give place to diſcretion, and the Subjects birthright, liberty and property muſt be ſacrificed to a few ambitious mens *ragioni diſtato*: I thinke I am bound in charity to admoniſh them in what a deſperate condition they are. *Thoſe who reſiſt, ſhall receive to themſelves damnation.* All that they gain by mannaging the ruine of their Country, will not countervaile the loſſe of their ſoules. I remember the ſaying of the Prophet. *The prudent ſhall keep ſilence in that time, for it is an evill time. Amos.* 5. 13. But I value not ſafety, in compariſon of honeſt (though weak) endeavours to do ſervice to the publike.

Some State it thus; elective Kingdomes are ſubject to forfeiture but not ſucceſſive. Theſe men give but ſmall ſatisfaction, becauſe they build upon a very unſound foundation. For ſucceſſion is no inlargement of right, but onely a continuance of that which the firſt had; elective Kingdomes are not forfeitable, except there bee ſome expreſſe law, which places a power in the people to rule their King, and governe their governour. It is plaine, the Roman Emperours though choſen, were abſolute: and ſucceſſive Kingdomes, if there bee any ſuch expreſſe law are forfeitable; it is as plaine, the Spartan Kings, who were hereditary, might be legally depoſed in ſome caſes.

The unlawfulneſſe of hoſtile reſiſtance againſt the King of *England* is ſupported by a ſurer foundation, *viz.* the knowne Lawes of this Realme ſtrengthened by divine ordinance: the neceſſity of our allegiance is demonſtrable from the fundamentall Lawes of this Kingdome. I ſhall onely deſire my Readers to conſider the nature of this government, and they muſt evidently diſcerne, to fight againſt the King is Treaſon and Rebellion.

I will lay downe nothing, but what ſober men ſhall have as little reaſon to doubt of, as to beleeve, that the King was deſpiſ'd

spis'd and scorn'd, in order to bee made glorious, and that they endeavoured to kill him in order to his preservation. So at *Edghill*, but before they were more cruell, and reserved for him something worse then death, to live under their command; *Instrumentum servitutis, haberent Regem*, they would make him the unhappy instrument, to raise them to honours in the ruine of his good Subjects. The Duke of *Normandy* invaded *England* with a potent Army, and made himselfe King; what our Lawes were under the *Danes* or *Saxons* (by whom wee were likewise Conquered) doth not much concerne us to examine, (no more indeed then it doth to know the antient *Britisb* Lawes and Priviledges, which were taken away by them, and the true owners were beaten out of their rightfull possessions and inheritances) for he inverted the Government, altered the Lawes, disposed of Possessions to his *Norman* followers, (whose bloud runnes in the veines of our most ancient Gentry) and made all, as well *Englisb*, as his native Subjects, feudaries to him, so that he remained *Directus dominus*, *Lord Paramont*, or *overlord* in the whole Land; that wee may make no scruple of this truth, the Lawes given us by him, and which wee are to live by now, are written in his language. However wee state his entrance, whether by the sword, or to avoyd the envy of that title, by a voluntary submission of all to him, as to their Soveraigne; the conclusion cannot vary, because the duty of *non-resistance* arises from their own act, they taking an oath to bee his true and loyall Subjects. It is objected. *If hee came in by force, he may be turned out by the same title. De jure* hee cannot; in this case, *Quod fieri non debuit, factum valet*; for though Conqueſt bee a name of greater strength onely, and bee not it selfe a right, yet it is the mother of it. Because when the people are in their power, for feare of harder usage, they passe their consent to be his faithfull Subjects, and to be peaceably governed by such Lawes, as he shall, or hath given them: This subsequent Act gives him a full right to the Crowne. To speake to the present case, he for his own security, and because it was the necessary meanes to enable him to protect his Subjects, retaines the right to dispose the *Militia* of the Kingdome, which

continued

continued in his Succeſſours even to this day (though now violently invaded by Subjects through vertue of an *Ordinance*, of which no timescan afford a preſident) and all Subjects of what condition ſoever, were bound to doe *homage*, and beare *fealty* to him, which was inconſiſtent with taking up Armes againſt him. That he might ſweeten their ſubjection, *Quædam jura pactis minuit*, he reſtraines his abſolute right by compact, and beſtows ſome liberties and ſome priviledges upon the people (who commonly *nec totam ſervitutem pati poſſunt, nec totam libertatem*) and theſe Acts of Grace he confirmes unto them by ſuch ſecurity as ſhould not endanger his perſon nor regall authority, that is, by promiſe and oath, and not by giving to his Subjects legall power to un-king him, if he ſhould not performe covenant; knowing full well, that though hee ſhould not really breake it, yet a pretence he did ſo, might upon the firſt opportunity create a civill warre; (and therefore his Subjects had as little reaſon to accept, as he to offer ſo pernitious ſecurity, as would put both parties in farre worſe condition) for if Rebellion ſhould be allowed in any caſe, that caſe would be alwayes pretended, and though the Prince were juſt, and wiſe, and religious, yet ambitious men to compaſſe their owne ends, would impute to him oppreſſion, weakeneſſe, and that notwithſtanding his exemplary practiſe in his publique devotions to the contrary, he did but handſomely diſſemble and favoured a falſe religion in his heart.

The method of that Rebellion in the reigne of *Henry* the third, which made *France* extreamely miſerable, is very obſervable. A factious party of the Nobility and Gentry, a ſeditious party of the Clergy, and an unfortunate party of the ſeduced Commonalty, entred into a *holy league* againſt their lawfull Soveraigne, upon pretence he was miſled by evill Counſellors, and favoured the reformed doctrine, notwithſtanding he was even ſuperſtitiouſly ſtrict in his devotions, in conformity to what the *Roman* Church enjoyned. When potent Armies were raiſed, ready to ſwallow him up, yet out of a vehement deſire to undeceive his people, and to diſcover to the whole world the ungrounded malice of his adverſaries in ſuch unreaſonable

ſonable imputations, he refuſed the honeſt aſſiſtance of faithfull Subjects, becauſe Proteſtants, to his owne and their probable deſtruction.

Many of King *Williams* Succeſſors did inlarge the Subjects Priviledges by divers Acts of Grace, which they ſwore to maintaine, but never gave them ſuch ſecurity as ſhould alter the nature of Monarchy, by granting authority to their Subjects to force them to obſerve promiſes, and to make ſatisfaction for *true* or *fancyed* violations.

Hence it appeares, that the originall was conqueſt (as it is of almoſt all the Kingdomes in the world) which occaſionally conveyed to him full right, becauſe they yeelded themſelves, and conſequently what they had to the Victor; the Lawes which hee or after Princes made for the benefit of the Subject, were ſeverall limitations of this right, and therefore where Lawes cannot bee produced to the contrary, there the Kings power is abſolute, and no ſpeciall caſes can bee determined by the Subject to the Kings diſadvantage. The moderation of his power was by his owne compact, which he could not violate without injuſtice, yet the breach of it could not indanger his perſonall ſafety, becauſe he gave no juriſdiction to his Subjects to force him by ſtrong hand to doe them right; and if he had done ſo, he had made himſelfe in ſuch caſes their ſubject. Whatever we can claime as due now, is by vertue of the Kings grant, and therefore it is ſaid by *Hen.* 3^d^, in his ratification of the great Charter, *We have granted and given to all the free-men of our Realme theſe liberties.* 9. *H.* 3. The whole Land was the Conquerours, he gave part of it as a reward for their ſervice to his *Normans*, and other parts to the ancient Inhabitants, and their heires after them, yet ſo as he altered the tenure, and made it deſcend with ſuch burdens, as he pleaſed to lay upon them. They hold them but in *fee*, and therfore are bound to certaine ſervices, and to doe ſuch and ſuch duties upon paine of forfeiture; in caſe of Treaſon and Rebellion their lands are his owne againe, and returne into his diſpoſall. If Subjects breake their Covenant and prove diſloyall, all their rights are forfeited by expreſſe Law; if Kings breake their compact, no forfeiture followes:

followes: The reason of this inequality is, because the King gave Law to the Subject, the Subject did not give Law to him.

Another exception is, *If a King exercising tyranny over his people, may not be resisted, he and his followers may destroy the Kingdome.* *Exc.*

This is easily satisfied, if we consider in what condition wee were when conquer'd, and how that to avoid a certaine ruine (for he might have rooted us out for his better security, and planted this Land with his native Subjects) we submitted to an onely not impossible, that is, a most extreamely improbable destruction. For it is an unheard of madnesse, that a King should be such an enemy to his owne interests; It is in our power to kill our selves, and yet we are not affraid of our selves, because there is a naturall deareneſſe implanted in us, which secures every one from selfe-wrong: we have as little cause to be troubled, that it is in his power to make himselfe no King, by destroying his Subjects; The *King* perishes in the ruine of his people, and the *man* onely survives, exposed to the hatred and scorne, and revenge of mankinde. *Sint quibus imperes*, is a strong antidote against this unreasonable feare. Secondly, no policy can give an absolute security; we must trust some body, by which a way lyes open to a possible mischiefe, but many most probable and certaine inconveniences are thereby avoided. Thirdly, we have good grounds to rely upon divine providence, if we doe our duty; for the hearts of Kings are in the hand of the Lord, hee will put a hooke into the nostrils of Tyrants, and though we may be chastised for a tryall of our patience, or punished for our sinnes, yet he will not permit them to bruise his children to peices. *Answer.*

We are bound by the naturall affection we owe to our Country to be active in restoring it to happinesse, by removing such a curse from the land. *Exc.*

We must not doe evill, that good may come of it. Some reply, this precept obliges private men, not Magistrates; especially aiming at not any particular, but the publique good; a pious intention to advance this, excuses from sin. Certainely it will *Answ.*

concerne all such as meane to goe to heaven; they may as well tell us, Magistrates may lawfully steale, or commit adultery, if they sin for the Common-wealth, that is, plunder in hopes to finde letters amongst malignant goods, or lie with other mens wives, to unlocke their brests, and discover such secrets, whereby they may more easily cut their husbands throats, as being in their Catalogue of evill-councellours or enemies to the State: They may as well challenge a Priviledge to breake all the Commandements for the Saints advantage. If then wee may not do evill, though we propose a reall good as the fruit of sinne, certainely those, whom divine ordinance commands to be subject, cannot usurpe office and rule, and take upon them to judge their Judges. If revenge be unlawfull in private men acted upon private men, how much is it a higher sinne, upon the Magistrate? By whom alone Christians can right themselves, and therefore their hands are bound from being used against him.

Exc. *Selfe preservation is justifiable by the law of nature.*

Answ. I grant this, hands were given to men for this purpose. This right to defend our selves flowes from hence, that by an inbred affection every one is most deare to himselfe, and it doth not always presuppose a fault in those who endanger our lives. For if they set upon mee, mistaking mee for another man, who hath injur'd them, or if they are lunatique, I am no more bound naturally to give up my life to madnesse or errour, then to the venous fury of wolves or lions. It is very truely determined by the civill law in reference to nature, *Jure hoc evenit, ut quod quisque ob tutelam corporis sui fecerit, jure fecisse existimetur. L. ut vim D. de just. & jur.* But this will nothing advantage them in the present case, For by that which they call *Law* of nature is meant onely *right* of nature, which is not a command, but a permission onely, and therefore it may be, and indeed it is actually restrained by positive constitutions, whether divine or civill. For example, all things were common *jure naturali*, by the right of nature, and yet the lawes of property are now binding to us. Hence is discovered the hollownesse of their discourses upon this principle. *It is the most naturall worke in the world for every thing to preserve it selfe, and therefore when a Common-*

wealth

wealth shal chuse a Prince or a State officer, though they trust him with their welfare, then that act of their trust is but by positive law, and therefore cannot destroy the naturall law, which is selfe preservation, cum humana potestas supra jus naturæ non existit, seing that no humane power is above the law of nature. So Mr. Bridge *in his wounded conscience, p. 2.* Upon the same principle he must conclude, Society, which was regulated by the pactions of men, cannot take away our native liberty. For *jure naturali omnes homines ab initio liberi nascebantur. instit. de just. & iu. t. 2. §. 5.* nor can property which was established by positive agreement destroy the right of naturall community. Hee must needs perceive the weaknes of his reasoning. The answer to it is this, Humane power is not above the law of nature peremptorily commanding to doe such a thing, and abstaine from such things (of this law *Cicero* spake, *hæc lex diffusa est in omnes, est sempiterna, aquâ homines neque per senatum, neque per populum possunt solui & liberari, l. . de Rep.* and *Ovid* makes it unalterable.

Naturam verò appello, legem omnipotentis
Supremique patris, quam primà ab origine rerum.
Cunctis imposuit rebus, jussitque teneri
Inviolabiliter.)

But humane power is above the *law* or rather the *right* of nature, which doth permit a freedome of doing or not doing according to discretion. Else no contracts could be of force, because by the law of nature men were free, and the obligation is positive, as arising from promise, which it was in our power not to make, but having once made it, we have tyed our hands from using native liberty. Of this permissive law *Aristotle* spake pol. 7, cap. 13. *Homines adductos ratione multa præter mores & naturam agere, si aliter agi melius esse sibi persuaserint* and again *some things of nature depend upon our choyse and cease to bee of force, when we please, to part with our naturall rights, nos all things.* παρ' ἡμῖν δοκεῖ τὸ μὲν φύσει κυρίαν ἐν ἡμῖν τοῦ παρ' Ethic. l. 5. c. 7.

Secondly it concludes it lawfull for any private man to kill the King or his own Father, in his own defence, which most of that side have disavowed, and therefore they must acknowledge this argument is very hollow.

For the clearer understanding of the controversie, because I take no delight in confuting, but onely in the hopes of satisfying them, and I request them for their own sakes, to weigh my reasons with the same moderation and calmenesse, wherewith they are written: Selfe preservation is naturall, that is, Nature doth not forbid any man to defend himselfe, though hee must thereby kill another; his destruction was not primarily intended but hee was forced to make use of such unfortunate meanes, in pursuance of no dishonest end, to retaine his own right of living. But though nature doth not forbid it, yet the Gospell doth, as it restraines us of many innocent delights, if we measure them onely by naturall right. Private revenge is unanswerably prohibited by the Evangelicall law; Recompence to no man evill for evill; dearely beloved avenge not your selves, but rather give place unto wrath, μὴ ἑαυτοὺς ἐκδικοῦντες, it is not lawfull to right your selves, to doe your selves justice, *Rom.* 12. The strongest objection against it, which can be made, is, that we are not bound to love our neighbour better then our selves, therefore we may rather Kill then bee Killed. (I speake onely against private revenge, that is an execution of justice not commanded by law, for we may be bound, not to part with our lives, if the Common-wealth armes us, and injoynes us to defend our selves, because the preservation of the State is concerned in our safety, in that case. *Savitia est voluisse mori* ——).

I deny the argument; the antecedent is very true, but the consequence infirme, because wee doe not love him above our selves, though wee part with our lives, rather then destroy his; For we shall thereby gain eternall life, if we doe not contrary to the rules of charity, cut him off in his sinne, which will certainely damne him. If any make scruple, that themselves are sinners too, and so unprepared to dye, and therefore (as good reason they have) they may refuse to be damned, onely to leave their enemy in a possibility of being saved. These fears may easily bee solved; Greater charitie then this hath no man, then to lay down his life for his enemy, and it were very strange, if men should go to hell with as great charity, as the highest Saints are rewarded with heaven for. Perfect charity is the fulfilling of the law, and

as

as effectuall as universall obedience to Christs præcepts, the condition of the Gospell. To resigne our lives, (that is, the capacity of serving God longer) out of conscience to obey him though against the strongest temptation, is such an heroicall act, that the excellency of it, may supply the want of duration. It is an infallible signe of hearty repentance, and a most certaine argument of our serious turning from all sinne. For here is not onely godly sorrow for offences past, which is the doore and entrance into Christianity, but the perfection of it also, amendment of life, which is true repentance. For we sacrifice the pleasures and profits of this world, and what ever was deare unto us, while we remained carnall, nay we yeeld up life it selfe against the most violent assault, the flesh can make, to the will of God, who assures that to dye thus, is gaine, as also, whosoever will save his life, shall loose it, and whosoever will loose his life for my sake, shall finde it. For these reasons private revenge is unlawfull though upon private men, and therefore much more hath Christ disarmed us, from recompencing evill to the Magistrate, because there is some equality betweene mine and my neighbours life, but publique tranquillity, the common peace of a whole Kingdome (which is destroyed by civil warre) and the life of a single man, though innocent, are very unequall. Naturally we love society below our selves, for the end of it was to convey to us such and such goods, and that which is loved in order to something else, is lesse amiable; But morally and in Christianity wee are bound to preferre the publicke good to whatever private Interest. And the obligation is very reasonable; For if we submit nature to Religion, and be content to loose our lives for the present, wee shall receive them hereafter with great advantage. So that charity to our neighbour, and love of our selves do sweetly kisse each other.

It is lawfull to resist in Gods behalfe, and to preserve the true Religion, and to compasse the peace of Hierusalem *by disturbing that of* Babylon. *Exc.*

Certainely never any man made great improvement of his owne Religion by raysing Civill Warre, and Sedition and Rebellion are very unfit meanes to beget devotion in the hearts of others; *Answ.*

others; this way is so unlikely to attaine to perfect godlinesse, that I am much afrayd, by the unspeakable scandall of these not-Christian courses, it destroyes even common honesty amongst men. Since the time of these unnaturall distractions, there hath been a generall ebbe in our devotion,

Ex illo fluere, & retro sublapsa referri
Res Cœli

Some with *Nadab* and *Abihu* offer strange fire before the Lord, which hee commanded them not; God in his good time may quench these flames, which sensibly consume both Church and State, and the unhappy Incendiaries may bee devoured in that fire, which themselves have kindled. Others are not at leasure to offer up the ordinary Incense of Prayer and Thanksgiving, (though too many have been over gratefull, and when beaten in the field, they have triumph'd in the Church, and instituted solemne praises for the Almightyes preserving their party, in such a sense as they endeavoured to preserved their Soveraigne) If any time bee spared to make their addresses to Heaven, their usuall voyce is as harsh in Gods eares as the Drumme and Trumpet, for he is generally invoked as the Lord of Hosts, who takes greater delight to bee worshipped as the God of peace. Mutuall feares and mutuall injuries have so exasperated the minds of most men, that the defection from charity is much more common then that from allegeance. So that how Religion thrives, be you judges; I am certaine there is a great decay of godlinesse.

But to examine this colour of *preservation of true Religion*.

First, all the *Anabaptists* and *Brownists* and other Sectaries, who beleeve us Idolaters for using the signe of the Crosse in Baptisme, and all such as joyne with them in fighting against the booke of Common-prayer and Episcopacy, established by the fundamentall lawes of this Kingdome, are evidently ingaged in this Rebellion, not for defence of their old Religion, but to introduce a better and new Creed. Let mee aske them, with what face they can hereafter object to Papists that their Religion is Rebellion, who may justifie rising up in armes against their

their lawfull Soveraigne, for the Catholique cause, upon these Puritan principles. The truth is, not all Jesuites doe maintaine it, and many Papists abhorre this seditious doctrine, agreeing with *Roffensis*, that *sicut evangelium non dat regnum, sic nec auferre potest, lib. de potest. pape in tempor.* Christ came not to dispose of Kingdomes, nor to make them subject to forfeiture. The University of *Paris* hath very christianly determined it, *seditiosum, impium, ac hæreticum, quocunque quæsito colore, à quocunque subdito, vassallo aut extraneo, sacris regum ac principum personis vim habere*, a seditious, impious, and hereticall thing, for any Subject, Vassall, or forreigner, upon what pretexts or colour soever, to offer violence to the sacred persons of Kings and Princes, in their censure past, *June* the 4th, 16 0.

A more dangerous tenent for turning States upside downe, and bringing all to confusion, was never invented then this, that *Regnum fundatur in orthodoxa Religione, Subjects may cast from of their neck the royall yoake if he will not submit to the yoake of Christ.* Their late Pamphlets speake out and tell us plainely, the *quarrel is, whether Jesus shall be King.* By this meanes those who manage *Christ scepter*, will command the *Kings*, and he must lay downe his *Crown* before the *Presbyters.* They have another principle nearely allyed to this, which hath too great influence upon their practice, *Dominum fundatur in gratiâ*, onely the Saints, Gods elect, have right to the creature: wicked men and reprobates doe but usurpe the portion of the godly, and thereby increase their owne damnation, for they are the true heires, for our Saviour bestowed all upon them, *The meeke shall inherit the earth.* When wee think they plunder, they doe but distreine upon their owne goods; it is a recovery of what was due to them by the Gospell; to measure right by *lawes* is but to breake *evangelicall priviledges*: It is not theft, but charity, to put the wicked in such a condition, as that they shall have lesse to answer for. If men of these opinions be tolerated, both reason and experience shew the peace of the realme is apparently dangered.

Secondly, as it is unlawfull (and some of their owne writers confesse thus much, see Master *Burroughs*, *pag.* 123.) to fight

fight for Religion if the Lawes of the Land bee against it, (yet this is clearely their case, for they goe the destructive way, and would root out part of the established worship, though very much hath beene indulged to tender consciences even in this case) so it is against the civill constitutions of this Realme, and consequently against divine ordinance to take up armes against their King, though he should really favour another Religion, and countenance by his practice superstitious rites; nay, though the professors of the true and setled religion should be illegally grieved. Here were an opportunity to shew their christian fortitude, to make use of their *spirituall militia*, faith, humility, and patience, and not to contradict their calling, and discredit the crosse of our Saviour by taking up carnall weapons. I wish from my soule, all such as pretend to the Reformed Protestant Religion, had beene unblamable in this respect, and that they had rather chosen to manifest their Christian, then their martiall spirit. Wherever armes have beene lifted up against their lawfull Magistrates, though they were unjustly afflicted for the testimony of a good conscience, I cannot excuse them from resisting the ordinance of God, who would have beene glorified in their martyrdome. I am sorry to meet with objections drawne from the unwarrantable practise of some, which doe not conclude you innocent, but that others were likewise faulty. I am certaine the primitive Christians were better catechised, and wee read the same doctrine of true patience in their lives as in their schooles, which taught them to take up Christs crosse, and to follow him in that yoak in which he drew; They fought not against their Arrian Emperours in defence of the Nicene Creed; no rebellion was undertaken by them under colour of preventing their consciences from being forced: which is indeed an impossible thing; we may be robbed of our goods, we cannot be plundered of our religion. Did no Christianity thrive upon persecutions? *Sanguis martyrum, semen ecclesiæ*, The bloud of the Saints made their surviving brethren fruitfull in good workes, Their patience wearied the cruelty of their adversaries and gained innumerable converts, who began to suspect christianity was true, when they saw it

so

ſo powerfull as to make the profeſſors live with ſo much innocence, and dye with ſo great meekeneſſe, and to neglect all earthly intereſts in expectation of Heaven.

Though private men ſhould not, yet *Inferior Magiſtrates may force him who hath the Supreame power, to rule according to juſtice and the eſtabliſhed Lawes.* *Exc.*

The ſame reaſon which diſables private men from righting themſelves, concludes likewiſe againſt inferior Magiſtrates, that is, want of Juriſdiction. For if oppoſed to him, whoſe authority onely can alter the nature of revenge, and make it juſtice, (for *inferior in ſuperiorem non habet imperium*) they are but private perſons. It is an unreaſonable, impoſſible thing, that men ſhould be obliged to obey two Maſters commanding contrary duties, becauſe this would impoſe upon them a neceſſity of ſinning, which muſt be layd upon him who was the author of that neceſſity; And therefore God hath appointed a convenient ſubordination in all authorities. *Ut ſol delet minora ſydera*, as the leſſer lights are extinguiſht by the greateſt Luminary, the fountaine of all light; ſo minor juriſdictions muſt give place to him who is the fountaine of juſtice. If God command one thing, the King another, wee muſt be obedient to divine ordinance, becauſe wee cannot be ſubject to mans command for conſcience ſake, againſt him who hath the ſole authority, to oblige conſcience. So if the King command one thing, and his Miniſters, inferior Magiſtrates another, wee muſt ſubmit to regall power either by obeying, or ſuffering, becauſe they can challenge our obedience onely by vertue of his authority, and this cannot be ſet up in an hoſtile away againſt his perſon. Whether it be reaſonable to obey the Kings Officers, who can doe nothing but in his name, againſt the King, judge yee. Souldiers are bound to execute the commands of their Captaine, yet not if they are contradicted by their Colonell, and he muſt not bee obeyed againſt an expreſſe order from the Generall. In thus doing, St. *Auguſtine* and reaſon alſo aſſure us, wee deſpiſe not the power, but chooſe to ſubmit to the higher; leſſer Magiſtrates have no juſt grounds of complaint, if we preferre the ſupreame, for in reference to the higheſt, their magiſtracy ceaſes, and *Anſw.*

they become our fellow Subjects. *Let every soule bee subject to the higher powers* saith Saint *Paul*. We must obey the King, and His Officers also, as they represent the *King*, (for *quod per officiarios facit per se facere videtur*) and they must be obedient as well as wee, as they represent *Subjects*. Thus *Nehemiah* receiving commission from *Artaxerxes*, armed his countreymen against those who governed under the King. Saint *Peter* very appositely differences this duty in respect of King and Magistrates. *Submit your selves unto the King as Supream, but unto Governours as unto them, that are sent by him, and derive their power from him, and are His Ministers to execute His commands*, 1. *Pet.* 2. 13, 14

Ex. It is objected, (but very impertinently) *if a King command against established Lawes and inferior Magistrates according to the Law, they ought to be obeyed.*

Answ. This comes not home to the case; I grant, obedience to the Kings command against law, is unwarrantable; but this doth not conclude the lawfulnesse of hostile resistance. Wee doe our duty in submitting to His legall will, though against His Letters or words of mouth, for he hath obliged us so to doe, and by his owne grant hath restrained his right to recall and abrogate Lawes, except by advice and consent of both Houses in Parliament. If He bee offended without cause, we are bound by Christian and civil constitutions to submit though to His unjust wrath. If they meane to conclude their owne innocence, they must frame their Argument thus: If a King command against Law, and Magistrates resist according to Law, wee may without guilt take part with them. This is true if they resist according to Law; but this cannot bee in a Monarchy; for if the Lawes grant a right of resistance in any case, when that case comes, the Monarchy is dissolved, for those who are enabled to take up armes against Him, are His equalls or colleagues at least; the union is destroyed, and they are not to bee esteemed Rebels then, but just enemies, because they cease to be Subjects. They cannot vindicate themselves from Treason and Rebellion, except they can produce some Law of *England* which dispenses with their Alleagiance in such cases, and shew that our civill

conſtitutions are ſo framed, as to make *Bellum Civile, Bellum utrinque juſtum*, a Civill Warre, a *juſt* Warre of both ſides in the law notion, which cannot be, except there be two ſupreame authorities to proclaime and manage it. That this is not ſo, the Houſes ſhall give teſtimony againſt themſelves, for they acknowledge themſelves in their addreſſes to His Majeſty, His *humble and loyall Subjects aſſembled in Parliament.*

Another maine exception, and which they moſt triumph in, is this, (I will deliver the words of one of them, who hath expreſſed it the moſt fully.) *As it is a Parliament, it is the higheſt Court of Juſtice in the Kingdome, therefore hath power to ſend for by force, thoſe that are accuſed before them, that they may come to their triall, which power (if I miſtake not) inferiour Courts have, much more the higheſt. Tis out of doubt agreed on by all, that the Parliament hath a power to ſend a Serjeant at Armes to bring up ſuch an one as is accuſed before them, and if they have power to ſend one Serjeant at Armes, then twenty, if twenty be accuſed, and then a hundred, then a thouſand, then ten thouſand, if ten thouſand be accuſed, and ſo more or leſſe as occaſion ſerves; for there is the ſame reaſon for two as for one, for a hundred as for twenty, for a thouſand as for a hundred, and take away this power from the Parliament, and tis no longer a Parliament. But the King and His Forefathers have by Law ſetled theſe Liberties of Parliament, and therefore according to Lawes they have a power to ſend for by force thoſe that are accuſed to be tryed before them, which they cannot doe, unleſſe they raiſe an Army, when the accuſed are kept from them by an Army.* *Maſter* Bridge *in his* Wound. Conſci. pag. 6. *Exc.*

Firſt, the Houſe of Commons is no Court of juſtice, it hath indeed by ſpeciall priviledge, for its better regulation, power over its owne Members, to impriſon or turne out, and this power though at any time abuſed againſt juſtice and equity, and contrary to the truſt repoſed in them, both by King and People (as if men ſhould be committed for delivering their opinions freely becauſe their reaſon was not ſo happy as to concurre with the ſenſe of the Houſe, which may poſſibly bee the paſſions of the major part; or if ſome ſhould bee *accuſed* and others *paſt by*, though of knowne guilt in the very ſame particulars, as having *Anſw.*

an hand in monopolies, &c. and so not the *cause* but the *person*, be made the measure of right and wrong) yet this misused authority hath the effects of justice and right, and makes the act legally valid. But the House of Commons hath no jurisdiction over those who are without, except at most in case of breach of Priviledge; it cannot judge or condemne any, no not so much as examine upon oath: so that the argument is, the Parliament, that is the House of Lords, as the highest Court of justice, may legally raise an army, without the consent, nay against the command of the King, it concludes too without the consent, and if they please, against the expresse will of the Commons declared to the contrary. This doctrine once since this Parliament sate, would not have been so pleasing to the lower House, that they would have taken care for printing it by Order from their Committee. There was a time when one of this House professed openly, he hoped to see that skie fall too, and the Lords were put in minde, they sate but in personall capacities (whereas Knights were Shires, and Burgesses were Towns and Cities) and therefore it was thought fit to give them warning and to admonish them to take heed how they thwarted the representative Kingdome.

Secondly, by the same reason Judges of inferiour Courts, out of Parliament at least, may raise an Army to fetch in delinquents; if the framers of this objection, had consulted with those Sages, they would have better instructed them in the Lawes. In cases of such high consequences, it was the custome of the House of Peers to advise with these Oracles, to take directions from them, at least to know their opinion and the reasons of it, because they had employed their whole time and studies to finde out the true meaning of the lawes.

Thirdly, To discover their mistake and the inconsequence of the argument, *There is the same reason for twenty as for one, and so for an hundred, for a thousand, for an army, &c.*

The reason is not the same; because when a few are sent out, the administration of justice doth not indanger the common peace. But because a warre doth put the whole Kingdome in manifest perill of being ruined, therefore when either reall delinquents, or pretended to be so, are so many, as to make the tryall doubtfull, the liberty and right of inferiour Magistrates to

fetch

fetch them in by force, is in this case restrained by expresse laws, which provides very prudently, that no warre shall be made, except authorized by the supream governour. And therefore also the lawes permit the King to pardon all offences against his Crowne and Dignity, supposing he will doe it, as sometimes out of goodnesse of nature, so sometimes out of the strength of his understanding, because not mercy onely, but wisedome and prudence may prevaile with him to forget offenders, when they are so potent, that the uncertaine punishment of nocents, (for the worst cause may prevaile, as in the case of the tribe of *Benjamin*, so

Victrix causa Deis placuit, sed victa catoni)

must bee bought with the unavoydable destruction of many innocent and gallant persons. Wherefore Serjeants at armes and Officers may be sent by the House of Peers, and consequently by Judges of inferiours Courts, and ordinary Justices, to force delinquents to appearance (though their crime ought to be specified, for to call them Malignants or Delinquents, is no legall charge) if they be not so many, as that they make such resistance, as cannot be punished without an Army; for a civill warre endangers all, and begets more faults then it punishes, and therefore the lawes referre the ordering of the common-wealth to him who is supreame, least inferiour Magistrates violently carried on, should out of indiscreet zeale to justice, expose the Kingdome to Contributions, Plundrings, and thousand remedilesse injuries, more grievous then those they seeke to punish.

War against the Person of the King is not resistance of the higher power, but warre against his authority only, Buchanan right; *Non igitur hîc Paulus de iis qui magistratum gerunt, agit, sed de ipso magistratu, hoc est, de functione & officio eorum qui aliis praesunt, dial. de jur. reg.* Exc.

This separation of the Officer from the Office (which hath created *bella plusquam civilia*, the King in this army fighting against himself in the opposite army) is made without all colour or shadow of reason, for though the authority of the King bee sometimes where his person is not, yet his person cannot bee where his authority is not, This is evident by the 25. *Edw.* 3. c. 2. Answ.

which makes it Treason to compasse the Kings death, by which must bee meant to endeavour his personall ruine, because Regall authority never dyes in *England*. I have shewed formerly, that by not resisting powers, is meant, not resisting persons invested with such power. For when Saint *Paul* hath forbid to resist the power, he explanes it by adding a reason drawne from the persons in authority, to encourage them to obedience; *for Rulers are not a terror to good workes*, and so after, *for they are Gods Ministers*, λειτουργοὶ in the masculine gender which cannot be applyed to ἐξουσία, that he might leave no ground of scruple, but plainly instruct us, that honour is due to their persons, and that all resistance to their persons is sinne, because of their authority, Saint *Peter* is as cleare, *Submit your selves to every Ordinance of man for the Lords sake, whether it be to the King as Supream, or unto Governours, as unto them that are sent by him.* *Deodate* expresses it very fully in his Italian translation, *Siate adunque suggetti ad ogni Podestà criata dagli huomini per l'amor del signore: al Re, come al sourano, ed a governadori come a persone mandate da lui.* That wee may not mistake he tells us, that by Power or Ordinance is meant *Persons* endued with power *ad ogni Podestà*, is sayes hee in his gloss upon the place, *i Principi, Magistrati, Rettori* created *by* or *amongst* men, *dagli huomini, o fra gli huomini per la conservatione e condotta della società humana.*

Jude when he condemnes despisers of Dominion, and such as, δόξας βλασφημοῦσι, *speake evill of dignities*, *vers.* 8. means to commend to us the same duty which *Paul* taught us out of the Law, which is free from all ambiguity, and concludes for the persons. When *Ananias* the high Priest, whose duty was to judge after the Law, commanded him to bee smitten contrary to the law, hee (as was supposed by them) in passion returnes ill language, and being justly rebuked by the by-standers, hee confesses he ought not to revile the Priest, though hee did evidently abuse his authority (much lesse ought hee to strike againe, with pretence of honouring his authority, but not being bound to submit to his personall commands contrary to the Law. *I wist not brethren that he was the high Priest; for it is written, thou*

shal

shalt not speake evill of the Ruler of thy people, Act. 23. 5. S. *Paul* was unacquainted with this subtilty, which allowes to speake evill; nay, to make hostile resistance against men in authority, so they professe to honour the authority of those men. *It is* δύναμις, *not* ἐξουσία, (so Master *Burroughs*) *his personall strength, not any legall power which is resisted, if he doe any thing against law, and this,* saies he, *is not forbidden, we may resist men, though not powers, we must not be subject to will, but to law.* p. 113.

His mistake lyes in this, that he thinkes ἐξουσία, *power*, signifies the right and honest use of authority, whereas it signifies the right to use his authority, whether well or ill, 'tis, all one to us for matter of submission to it, either by obedience or patience, because no resistance can bee lawfull for want of a superior jurisdiction, by which onely wee can bee enabled to call him to an accompt for his actions. The truth of this is made evident in *Joh.* 19. 10, 11. *Pilate* saith unto him, knowest thou not that ἐξουσίαν ἔχω, I have power to crucifie thee, and ἐξουσίαν ἔχω, I have power to release thee? *Jesus* grants it, and answers, οὐκ εἶχες ἐξουσίαν εἰ μὴ, &c. thou couldest have now no power at all against me, except it were given thee from above.

By ἐξουσία, therefore are meant persons invested with authority. The reason which made *Paul* call Magistrates by the Abstracts, *Powers*, was this, he wrote to Christians living in the Roman Empire, and it was the custome of the Latine Language to call persons endued with power *potestates*, by the name of *powers*. You may observe it in *Ulpian, l. quid sit. D. de Ædil. edict.* §. 19. and in *Augustine, epist.* 48. who saith, *sive potestas veritati favens, aliquem corrigat, laudem habet ex illa, qui fuerit emendatus: sive inimica veritati in aliquem saviat, laudem habet ex illâ qui fuerit coronatus.* Mark that, *potestas inimica veritati*, this must needs signifie a man abusing his authority. And in *Juvenal, An Fidenarum, Gabiorumq; esse potestas*, and in *Suetonius, Jurisdictionem de fidei commissis quotannis & tantum in urbe delegari magistratibus solitam, in perpetuum atque etiam per provincias potestatibus delegavit.* The moderne languages, Italian and French, which were bred out of the Latine, retayne the ancient use of speaking, for *potestat* in French

French and *podestà* in Italian, expresse not the function onely, but the person which manages it. Thus anciently the Latine word for a Justice of peace, who now is called *justitiarius*, was *justitia*, as you may find in *Glanv. lib. 2. cap. 6.* and *Roger Hovedens* Annals: so our King is called in the abstract Majesty, as the Grecian Emperours, ἀγία βασιλεία.

Many ridiculous consequences flow from hence, but I list not to make sport with that unhappy distinction which hath almost ruined as flourishing and strongly temperd a Kingdome as any in the Christian world. It exposes Magistrates, and all in authority to the contempt and injuries of the baser sort of people. For when discontented, it is very obvious for them to tell them a reverence is indeed due to their function, and therfore that they setting their *office* aside, will take liberty onely to kick their *persons*, and that the *Magistrate* is not at all affronted, though the *man* be soundly beaten. It is against common sense to put such a difference betweene the *person* and the *authority* of the King, for if it were reall, neither God, nor the Lawes of the Land have made any provision for the Kings safety; for His authority is not capable of receiving any benefit, and therefore it must be acknowledged by all sober and reasonable men, that His authority doth but convey such and such priviledges upon the person, who onely can be sensible of them, and consequently whatever is attempted against his person, is attempted against his authority likewise.

Another cavill is taken from these words in *Rom.* 13. *For Rulers are not a terror to good workes but to the evill; wilt thou then not be afrayd of the power, doe that which is good, and thou shalt have praise of the same. For he is the minister of God to thee for good.* Their Argument is framed thus, A Magistrate is the Minister of God for our good, therefore he which is not a Minister for our good, is no Magistrate, and to resist him, is not to resist the ordinance of God, (which instituted Rulers for the peoples happinesse) but the faults and exorbitances of men, which endeavour to rob them of the blessings of divine providence, orderly government, and to make them bow downe under the heavy burdens of an arbitrary sway. Their conclu-

sion

sion (contradictory in it selfe) is plainly this. A bad Magistrate is no Magistrate, (as being a terror to good works, and giving praise to the evill, contrary to Saint *Pauls* definition of Rulers,) and therefore no honour is due to him, no resistance is forbidden.

The example of Christ commanding them to pay tribute to *Cæsar*, as his due, the end of which was, that he should mind their good, though he neglected that duty, and his acknowledgement of *Pilates* power or right to judge, though he exercised it to the condemnation of the innocent, and Saint *Pauls* confession, that notwithstanding the high Priest commanded him to be smitten illegally (which in their language was abuse of will, not power) yet hee must not returne ill language, because hee was the Ruler, do clearely evince their argument not concluding, *Saul* was a bloody tyrant, hee made the Priests a sacrifice to his cruelty, yet notwithstanding he continued *Gods anointed*. It were easie to instance in many examples, which shew the vices of man making ill use of the power do not voyd the ordinance of God. *Answ.*

There are, who answer these places very piously, but, as I think, not altogether consonantly to what Saint *Paul* aimed at. Rulers are not a terrour to good workes, and he is the minister of God to thee for good, that is, though they oppresse, nay kill innocent men, yet they cannot hurt them; For God will recompence their sufferings, it is *in bonum afflictis*, though *affligentibus in malum*, because all things worke together for good to them that love (that is, are obedient to) God. *Rom.* 8.

It seemes to me more probable, that the scope of the Apostle was to inforce the duty of subjection, pressed in *vers.* 1. by a second reason (for hee had urged before, the ordinance of God) drawn from the benefits which will be reaped from Governours. And the motive is, the consideration of that happinesse, which wee have reason to promise our selves from the preservation of order, the end of which is publique tranquillity. This is enjoyed under very bad Princes, which will abundantly recompence some particular sufferings, whereas if wee should goe about to right our selves, when power is abused (to

say nothing, that it would alwayes be pretended to bee so by ambitious men, who have this advantage, that the common people have but weake judgments in State matters (and yet appeales are especially directed to them, and since our miseries have growne upon us, the contrivance of our calamity was very visible; the fatall arts which ruined this Kingdome were to make the meaner sort of men Judges of Policy, and women generally the Judges of Religion) and they are easily perswaded to reckon misfortunes amongst crimes, and to confound ill intentions with ill successe;) If I say wee should take upon us to governe our Governours, because they rule not for our advantage, wee should pull upon our heads much greater mischiefs. Experience shewes, that Kingdomes suffer infinitely more by Civill Warre, then by the most Tyrannicall Princes: If wee call to mind the most vicious King that ever reigned in *England*, wee shall find, though hee did injure some particulars, indulging to some inordinate affections against the tenor of Law, yet justice was favoured in the generall, and the greatest part of the Kingdome reaped the fruits of order. Whereas illegall endeavours to force him to amendment, introduce a cessation of all law and justice, and the Subjects will bee plundered more in one night, then the greatest monopolyes and most unjustifiable taxes of many yeares robb'd them of. The Apostles sense is expressed fully by *Tacitus*, *Ferenda Regum ingenia, néque usui esse crebras mutationes.* The reason why it is better for a people, though oppressed, to submit with patience even to a Tyrant, is this; if he be put to recover his owne by conquest, and prevaile, he may be tempted (as highly provoked) to rule them with a rod of iron, and to provide for future safety, by utter disabling them to hurt him: but if they get the better, their victory doth but confirme our calamity; wee cannot see any probable end of our unhappy distractions. Because forraigne Princes will certainely afford supplies for recovering his just rights (for it might suddainly be their owne case, and they are bound to it in State interest; that they send not aid sooner, is, because it is for their advantage to have a neighbour Kingdome weakned, but not the Prince ruin'd) and it is

very

very unlikely hee ſhould ever want a very conſiderable party at home, many out of conſcience, more out of diſcontent and envy towards their fellow Subjects, proſperous treaſon, endeavouring to reſtore their injur'd Soveraigne, to his undoubted Rights and Prerogative. So that *England* would be the unhappy ſcene, where the tragedies of *Germany* would bee reacted. But grant a totall extirpation, and that they ſhall bee able to goe through with their wicked deſigne, and not onely *branch*, but even *root* Monarchy alſo (for this is aimed at by ſome, who feare it may ſprout againe, if the ſtock be left) have wee yet at laſt any hopes of peace, when wee are ſo undone by warre, that wee have nothing left to looſe but our lives? truely no, then like theeves, when once ſecure of their booty, we ſhould have thouſand differences in dividing the prey, all of them challenging preferments great as their ſinnes, and ſetting ſuch a price upon their wickedneſſe, as the eſtates of all honeſt men will not bee able to pay; it is not poſſible, what they have gotten can bee pleaſant to them, when they conſider much more might bee enjoyed, and ſadly recollect the inequality of the recompence to the adventure; for their lives were expoſed to the danger of the Law, their reputation is loſt with all good men, and their ſoules are eternally ruin'd. They would fall out amongſt themſelves, who was the greateſt Traytor, and never yeeld precedency in miſchiefes, becauſe that is the meaſure of Sharing. Some would plead, they *contrived*, others, they *acted* the Treaſon, and thinke a ſubtile braine ſhould have no priviledge above a couragious heart, it being more eaſie to fright the people by inventing falſe dangers, then to lead them on, and make them ſtand the brunt of true. It is beyond my skill to proportion the wages of ſin, and determine, whether the *ſlye* and *cunning ſetter*, or the *ſtout thief* can claim greateſt ſhare in the ſpoyle. But commonly the ſpeculatively malicious men are miſerably deceived of their expected requitall. For though they ſet the miſchiefes on foot, yet their journey-men, quickly apprehending the myſtery, are eaſily tempted to ſet up for themſelves. It hath been often ſeene, that to end ſuch quarrells, hee that was head of the conſpiracy in reference to the a-

ctive part of it, and who had force enough to oppresse a Tyrant, would use the same to establish himselfe their Lord and Master, and his government was so much the more rigid, severe, and miserable, because he was frighted with his own example upon his predecessor.

This I conceive to bee the Apostles sense, that wee must submit even to bad Governours (such they were when hee wrote this Epistle) not onely out of honesty, but prudence also, because if wee goe about to make them better, wee shall put the Kingdome, and consequently our selves, in farre worse condition.

After this explanation, I will reduce their Argument into forme, that I may thereby give more distinct satisfaction.

Non resistance is forbidden onely to the powers ordained of God;

But powers used tyrannically are not ordained of God, therefore we are not forbidden to resist them.

The assumption is absolutely false: For though tyranny bee not the ordinance of God, yet the power (which is commanded to rule justly, but withall inabled to doe otherwise, for the use is left indifferent in respect not of the Magistrates, but Subjects duty, so that abuse doth not voyd authority, when swerving from lawes) is of divine constitution. The obligation not to resist superiour powers receives not strength from mans justice, nor is it weakned or made null by injustice. *Saul* was Gods anoynted, and *Pilate* had authority from Heaven, notwithstanding the extreame abuse of it. Had the Apostle meant as they endeavour to perswade the world, considering what Governours the Christians then lived under, he had laid down a doctrine of Rebellion, whereas he labours to teach them patience.

Thus much in answer to their objections against what was delivered in the second Section; I shall now examine their exceptions against what was assumed in the precedent Section,

The King of England *hath Supreame power.*

Exc. *There is a mixture or coordination in the supremacy, and the English Monarchy is compounded of three coordinate estates.*

Answ. I have shewed before, that a *mixt Monarchy* is a contradiction,

ction, and that by this name can onely be meant, a restrained and limited Monarchy, that is, that such a King, though hee have Supreame, yet hath not absolute power. By reason of this restraint from his owne grant and positive constitutions, active obedience is not due to his illegall commands, and by reason of his supreame power and sole right to make Warre and Peace, passive obedience is necessary.

Monarchy compounded of three coordinate Estates, in plaine English, speaks this nonsense, the power which one onely hath, is in three joyntly and equally.

The ground of this invention, and so much fancyed coordination, which our ancient Lawyers never dreamt of, may bee this. If they meane by it, that the consent of all three Estates (I will not alter the new manner of expressing this government, but onely take notice by the way, that heretofore, the Parliament was taken for an Assembly of the King and the three Estates, and that in all other Kingdomes likewise there are three States, the Clergy, the Nobility, and the Commonalty, distinct from the Head) are equally required for transacting such businesses as the King hath obliged himselfe not to doe without them, and that they have the right of a negative voyce, wee shall indulge to them the name of *coordination* to two purposes, which are, making new, repealing old Lawes, and supplying the Kings necessities, in such proportion as they shall thinke fitting. These are great democraticall advantages, but include no authority of making hostile resistance against their Soveraigne, in case he should do contrary to the established laws; These are still in force, till abrogated by joynt consent, and binde his conscience, but he cannot bee forced to put them in execution, because he hath no superior in jurisdiction; and he hath no equall in managing *jus gladii*, the materiall sword, which is necessary to distinguish their resistance from Rebellion, and give it the title of a just warre. For except they can prove themselves not to be His Subjects, I am forced to tell them, if they fight against him, they are by the law of Nations and of this land worthily reputed Rebels, and by divine law they are assured of damnation.

That therefore, the two Houſes, or two Eſtates of Lords and Commons, are not bound to ſubmit their conſent to the Kings command in matter of Subſidy, or taking away any ancient Law, if they conceive it diſadvantageous to the Commonwealth; *Par in parem non habet imperium*, in thoſe things in which they are equall, as a Father and a Sonne being joyned in commiſſion; in this ſenſe let them bee called coordinate. Yet they are ſubject in all other things, and therefore may not take up armes without his conſent, for this is deſtructive of their alleagiance.

If there be a *coordination* in the ſupreamcy, that is, if the King and Lords and Commons are joyntly the ſupreame governour, the *correlatum* is wanting, none are left over whom they ſhould Reigne, we ſhould have a Kingdome without a Subject, becauſe all may challenge a ſhare in Soveraignty.

The Parliament not ſitting, they will not deny the Supremacy to bee ſolely in the King, and certainely by calling His great Councell together, hee doth not empty himſelfe of any regall power; it were very ſtrange our lawes ſhould be guilty of ſuch vanity to make a uſeleſſe coordination, for if His rivalls ſhould make any attempts upon His Prerogatives, He can legally diſſolve them, (except when hee hath paſt a particular grant for their continuance, and then the enlargement of their time of ſetting, doth not enlarge their power) and after Hee hath diſmiſt the Aſſembly, as the right to doe ſo is unqueſtionable) then He is Supreame againe, none being left to ſtand in competition. The cleare buſineſſe is this, all markes of ſupremacy are in the King, nor is it any Argument of communicating His power, that He reſtraines himſelfe from exerciſing ſome particular acts without conſent of Parliament, for it is by vertue of His own grant, that ſuch after acts ſhall not bee valid. He hath not divided His legiſlative faculty, but tyed Himſelfe from uſing it, except by the advice and conſent of the Peeres, and at the requeſt of the Commons, their rogation muſt precede His ratification. I ſhewed this in the Roman Empire likewiſe, and yet none fancyed, an equality between Subjects and the King or Emperour was thereby introduced.

As the *bontefeus* of *France* argued from the denomination of *Pares Francie*, to make them equall with the King, so our Incendiaries from *Peeres* and *Comites*, to bring in a *coordination*, whereas it is evident that Peeres, relates not to the King, but signifies (as the Persian *ὁμότιμοι* mentioned in *Zenophon*) Subjects in the same ranke of honour, and enjoying equall priviledges, one as another. And to make *Comites* is called by *Lampridius in contubernium imperatoriæ majestatis asciscere*, our lawyers derive them from having that speciall honour to be *in comitatu regis*, *Suetonius* calls them *comites peregrinationum, expeditionumque Tiberii*, They were of three rankes under the Emperours, *Comites intra consistorium* were the highest, and in the nature of privy councellours, but created by the Emperour, the fountaine of all honour, and so not *similes altissimo*, equall to him, though exalted above fellow Subjects.

The briefe is, the frame of government, as it is established by our lawes, clearely condemnes their undertakings, and therefore they have laid such a foundation, as will support the building. For if they can but prove that Parliament men, and those who are stirred up to fight against their Soveraigne, are not the Kings Subjects, they have acquitted them from being Rebells.

We have seene the groundworke, and shall now take the superstructure into due consideration; the whole fabrick is comprised in that axiome so frequently applied to justifie all illegall proceedings. *Coordinata se invicem supplent*, *Coordinates ought mutually to supply each others failing*, that wee may not suffer whether by necessary or voluntary defects, and that the Kingdom may not runne the hazard of being ruined for want of supplementall lawes, and therefore when the King is perverse and will not joyne with them for the common good, they have full authority without him.

This would conclude as strongly for the power of enacting lawes without the King, which the Houses have disclaimed. It is true, this legislative authority is exercised under another name, let the Authors answer for practising, what themselves have expressely disallowed. For it is but small satisfaction to the injur'd Subject, to tell them they challenge not a power to make standing

ding

ding Lawes, but onely temporary Ordinances: That is, they will take away their estates for the present, and then their votes shall be no longer binding, was not this the reason why such Proclamations are justly accompted grievances, as doe intrench upon the Subjects liberties or property? The Subjects are equally miserable, whither their birthright, the Lawes of this Land, are overthrowne by Royall Proclamations, or Ordinances of one or both Houses.

Coordinata se invicem supplent, Coordinates supply each others failings; therefore if one refuse, the other two are enabled to doe it without him.

By the same logique, if the King and House of Lords joyne, the consent of the House of Commons is legally supplied, and they may constitute what they please without them. This is the evident doctrine of it, which yet is commanded by the House to be printed. If the King had sayd this, it had beene the greatest breach of Parliamentary priviledges that ever had beene made. Posterity will have no reason to be thankefull to them for disputing themselves out of the right of a negative voyce, onely that they may with some small colour (making use of an accidentall advantage, the major part of those few Lords, which remaine in the House now, joyning with them) take away from the King (what is as much his by law as the crowne hee weares) his right to reject any Bill, never questioned by our Ancestors, and it is very strange it should now; Sir *Thomas Smith* tels us, *quibus princeps derogatum vult, haud pluribus verbis utitur, quám le Roy, aut la Royne s'advisera; quæ propterea extincta penitus, abolitaq; censentur. l. 2. c. 3. descript. Ang.* If the Kings deniall did not extinguish them, all those bils, which have slept for many ages, as laid downe by our knowing forefathers out of a necessary modesty and a just valuation of their Soveraignes right, would raise up lawes to the extreame confusion of the present governement. And secondly, if his authority must be involved or swallowed up in their votes, if his part in Parliament be the same with the flatterers in the comedy, *Ais, aio; negas, nego*; if he be but a *State eccho*, it is manifest he hath not so great a hand in the managery of his Kingdome, as the meanest

fellow

fellow, who hath but 40l *per annum* freehold, for he governes by proxy, whereas the King is represented by none, and yet must not speake for himselfe and for his owne Interest, which is altogether the same with the publique. The greatest security the Subject hath, that equall lawes shall be preserved, is from his negative voyce. The interests of the major part in the House of Commons may be opposite to the good of the Kingdome in generall. For if we reckon those many that serve for, and are (or would be, in future elections, if the power were thus enabled to effect what ever advantageous designes) of Corporations, and those few in comparison, who serve for Shires, we shall easily beleeve, the priviledges of Cities and Townes, may be inlarged by them to the great discouragement and losse of the honest farmer and painefull husbandman; So the Burgesses for the West are so many, that upon an unanimous conspiracy amongst themselves, and labouring some single persons, who may bee easily wonne out of relation of acquaintance, friends, or kinsmen, or their inadvertency, and not fully weighing, or not understanding the consequences of it, they may easily carry by vote, what is very beneficiall to themselves, though extreamely prejudiciall to the other parts of this Kingdome.

To goe higher, it is very easie to conceive, that the major part of the lower House, may bee very meane men chosen to make more profitable lawes for the poorer sort, and to keepe the Gentry under, by laying subsidies and all burdens of the Commonwealth upon them, not without a specious pretence, that they spend more in superfluities then would discharge all publique expenses, and exempting themselves from all payments, as being such, who take great paines, and worke very hard, even for necessaries. The possibility of such a choice is apparent, because (considering how small meanes are required to a capacity of voting in the election of Parliament men) it may perhaps be more warily ordered hereafter by the wisedome of that great Court, who may thinke it fit to raise 40l *per annum* freehold to such a proportion as that estate was valuable at, in the first constitution, when the scarcity of money made it a competent fortune) the greater part of those which choose them are poore Country-men

and beggarly tradesmen. Such a choise then is very possible; neither is it improbable, if Parliaments shall be governed by these new principles. For the reason why such an election was never yet made, is this; such a power was never heretofore challenged, as could enable them to goe through with any such designe. If either the Lords perceived any motion from the Commons disadvantageous to themselves; or the King thought it prejudiciall to the publique, and so necessarily unprofitable for him (as if the merchant should bee discouraged, by laying too great burdens upon forraigne trade, or the Clergy impoverished, by taking away those meanes which should make men able, and keep them honest) it was presently rejected, and so not to be stickled in further, sitting that Parliament. If some factious spirits wrought upon their discontents, and perswaded them to passe nothing, whether by granting subsidies, or consenting to new lawes, which might be beneficiall for the present State, till they received satisfaction in their desires, though such a perverseness (which I suppose onely and doe not say it ever was) might be very unhappy for the Kingdome (for by making the King poor, it would probably put his friends upon some unwarrantable courses, whereby to supply his wants, and this would create a misunderstanding betweene him and his people, and breed ill humours, which fomented by crafty men, would breake out in such violent distempers, that there would be a necessity of calling phisitians; These politique phisitians when once entertained in such an extremity, will be sure so to manage the disease, that they will be payed as much as they please to demand. They will desire such offices, such commands, not for themselves, but onely in order to the recovery of their patients; The deniall of which shall put the people in danger of a relapse, and they will prescribe the wayes of prevention and make use of the impatience of distempered men, to compasse their owne ends) though I say, such a sullennesse would make the Kingdome miserable, yet it is their right to deny the most reasonable proposall, and there is not any legall remedy against inconveniences, which will certainely flow from hence. Neither necessity nor *propter ea quòd regnum nostrum periclitatur*, which is the same with *salus*

Ius populi ſuprema lex, can enable the King juſtly to provide for the Kingdomes ſafety, by raiſing money againſt the known Lawes: he may in this caſe diſſolve the aſſembly, and onely uſe ſuch meanes, as are not contrary to Law. By reaſon of theſe negative voices and the Kings right, as to call together, ſo to breake up that great councell, there was not any hope of new moulding this State to particular Intereſſes, and therefore theſe unequall compoſitions of the Houſe of Commons had no influence to the diſadvantage of the Common-wealth. Yet now we may probably ſuffer under them, if this new doctrine take place, That the Kings conſent is paſt, and involved in the Lords and Commons; for the next rub of the Lords negative is removeable by the ſame Logicke of *coordinata ſe ſupplent*, and that the people may not periſh for defect of a ſupplementall Law; it was eſſayed formerly that they ſitting in *perſonall capacities*, ſhould not oppoſe what conduced to the ſafety of the Kingdome, repreſented by the Commons, and thoſe two grounds being laid, as the King and Lords are voted out of Parliament, ſo it is very probable, the Gentry would be but very thinne in the Houſe of Commons, upon new election hereafter, becauſe the diſpoſall of all would be put into their hands, whoſe intereſts are moſt diſjoyned from the publique tranquility, as enjoying leaſt by the preſent eſtabliſhment in this State. From hence it is apparent, what confuſion were likely to follow, and the ſhort experience we have had, hath already too fully acquainted us with the miſerable conſequences.

To anſwer diſtinctly to their axiome, coordinates ſupply each others failing; if it ſhould be underſtood in that ſenſe, which they plead for, that the King failing to performe his duty, the Lords and Commons are enabled to tranſact buſineſſes without him by vertue of this rule, upon the very ſame grounds the King and Houſe of Commons may exclude the Lords, the King and Lords may exclude the Commons; but this being deſtructive of the fundamentall priviledges and right of either Houſe, this onely can be meant by it in the preſent caſe, that the power of any one or two of them, is defective to ſome purpoſes expreſſely named in our lawes, (as for enacting new lawes, or raiſing money upon the Subject) without a joynt conſent of all three. This interpretation is very reaſonable, but it

concludes against them, and for the King; for hee requires nothing, but (what our Lawes grant him, and what he alwayes acknowledged equally their due) a right to a negative voyce in those things to which the three estates are coordinate. The use of it cannot be injurious, for a deniall to bring in a new government, doth not take away the old, it leaves us in that happineſſ, which our Fathers were content with.

All other matters (wherein the exercise of His Supreame power is not restrained, by making their consent a necessary condition, without which it cannot be actuated) he may manage solely, as for instance, he may, and ought to protect His Subjects, and to make use of those meanes with which the Law hath invested Him to enable Him to compasse that end; and these are the *Militia* or armes of the Kingdome,

Ext. *The King though He be singulis major, yet he is universis minor.*

Answer. I am forced to take notice in the first place of that lamentable sophistry, which yet hath deceived many, and though it hath been often discovered, they still persist to abuse the people with it. The strength of all their discourses depends upon this syllogisme, the Parliament is greater then the King, (the assumption is built upon a false foundation,) The two Houses are the Parliament. *Ergo*, the two Houses are greater then the King.

The proposition is granted, because Parliament includes King and Lords and Commons, and his legislative power, as to the use of it, is so restrained, that it cannot bee legally exercised without their consent, and this obtained in Parliament, it becomes absolute to those purposes, to which they passe their assent. 25. H. 8. 21. So that the onely meaning is, he can do more in Parliament, then out of it.

But the minor is absolutely false, for the King is *caput Parliamenti*, and so an essentiall part of Parliament. I am ashamed to bring quotations out of the lawyers, to prove what is so manifestly true. For if the King were not a necessary part of the Parliament, and the Parliament (as it is being rightly understood for the head and body) were the whole Realm, then we should have a Kingdome without any King.

One objection is frequently urged; *there must be a Parliament somewhere, for it cannot be dissolved without their consent,* which

which is not yet past; but it is not at Oxford, *nor no other place (London excepted) therfore it is there, and consequently the Houses are the Parliament without the King, or else His authority is in their Votes.* Object.

The want of Logique hath proved as fatall to this Kingdome, as the want of conscience; I cannot determine which hath had the strongest influence in our calamities, the malice of some, or the ignorance of others. Suppose the Lords should remove their House out of the City (as they have an undoubted right so to doe, upon the agreement of the major part, and there might be some motives for it, for to say nothing else, their number would be more then doubled) where would these men place the Parliament? If the King and Lords should legally sit in *Oxford*, were the House of Commons thereby excluded from being a part, or could they be concluded the whole Parliament? It is not an union in respect of place, but an union of their assent and the Royall ratification, which actuates the power into a law. The Kings absence doth not destroy the being of Parliament (no more then if he should dissent being present) nor doth it forfeit his power into their dispossall, as you may see 33. H. 8. c. 21. *His assent by his letters patent is and ever was of as good strength and force, as though the Kings person had been there personally present, and had assented openly and publickely to the same.* Answ.

But what if he dissent from them and refuse to confirme their Votes? Then they ought not to have the force of Lawes, no more then if the King and Lords should agree on any thing the Commons contradicting it; neither is it a legall establishment. If they say, his obstinate refusall voides the Parliament, for it is made of no use, if it may not be active, when deserted by him, and except hee please to establish their Ordinances; The King might as well presse the Commons to consent to what He and the Lords shall thinke fitting, because otherwise they voyd the Parliament, for it is of no use, if it may not bee active without their assent; which they resolve not to passe.

This constitution of the negative voyce in either of the three estates, was made in favour of the present government, the goods of which were knowne by experience, that no innovation (the evills of which are hardly discovered before tryall)

might be introduced without a joynt consent of all three.

Answ.

The whole Kingdome is greater then the King.

If they meane by whole Kingdome, both King and People, it is very true, but nothing pertinent; for it onely signifies that the Head is not so great as it self and the rest of the body. But if they understand (as they must if they meane to conclude any thing) the Body, in opposition to their Soveraigne, it is false that *universitas subjectorum est major Rege.* The same reason which makes him above one, makes him above two, and so above ten, and so ten thousands, and so ten millions of thousands, for their assembling together doth not dispense with their duty of alleagiance, many or few alters not the quality of the act, an universall revolt from a lawfull Soveraigne is equally Rebellion, as a particular defection of one or more Counties.

The Orators Art is much used in these unhappy times μικρὰ μεγάλα and μεγάλα μικρὰ ποεῖν, misdemeanors were once raised into high Treason, and now evident Treason is lessened into necessary defence. That *rhapsody of quotations*, intituled *the treachery, and disloyalty of Papists to their Soveraignes*, &c. brings a very merry plea to take them off from being Traytors. *The statute of the* 25 Edw. 3. c. 2. *runnes in the singular number, if a man shall levy warre against the King, &c. it ought to be judged high Treason, therefore it extends not to the Houses, who are many and publicke persons*, p. 31. If hee had sadly considered, how deeply conscience is ingaged in the present war against the King, hee would not have endeavoured to seduce so many into Rebels, and make them forfeit their soules upon such pittifull subtilties.

If forraigners should inquire under what kinde of government wee live, the answer must be, wee live *over a King.* Certainly they will much wonder at the unnecessary humility of the Houses, (they challenging to themselves superiority as the representative all) and conclude them very great Courtiers, who in their addresses to the Prince, their Subject, stile themselves *His Majesties most loyall and faithfull Subjects, the Lords and Commons in Parliament.* They will shrewdly suspect, if Majesty be His due, that Supremacy is so also: while *Rome* was a popular State, the supream dignity being in the people, was expressed

preſſed by *Majeſtas populi Romani*; and after when they had reſigned up their power to Emperours, it was changed into *Auguſtalis Majeſtas*, taken for the perſon of the Emperour *C. ubi & apud quem. l. cum ſcimus*, or *Imperialis majeſtas. C. de quadriennii præſc. l. bene à Zenone.* and ſo *Keyſerlich Majeſtaet* at this day for the German Emperour.

The cuſtome of petitioning him, and ſuch humility in the title of their addreſſes and the preface, (ſuppoſe it ſhould reach no further, yet it) cannot be wholely taken off by the imperiouſneſſe of the matter. Some of that ſide ſeem to bee ſcrupled at it, and therefore *plaine Scottiſh* tells you, *they hold Declarations to be more ſutable to the ſoveraignty of ſo ſupreme a Court, whoſe power is coordinate with Princes* (wee muſt hold ſuperior) *then petitions.*

I have proved in a former diſcourſe, that the King is ſupreame head, not in reſpect of ſingle perſons, but the *univerſitas ſubjectorum.* For this is comprehended in *body politique* compact of all ſorts, and degrees of people, which is ſayd to owe next to God a naturall an humble obedience, 24. *H.* 8. *c.* 12. And it is evident, that hee is not the head of this or that man, but of all the members in conjunction, of the whole body, for elſe hee would be the head of millions of bodies, and by conſequence have as many diſtinct Kingdoms, as particular Subjects. It is needleſſe to multiply quotations, as the 25. *H.* 8. 21. *This your Graces Realme recogniſes no ſuperior under God, but only your Grace*, or Queene *Elizabeths* publique declaration, that ſhee had *next under God, the higheſt and ſupreame government and power over all Eſtates of the Realme of* England, *Eccleſiaſticall or Temporall* Camd. hiſt. pag. 31.

I will ſumme up the reaſons in briefe, which prove, that the King is not *minor univerſis.* Firſt, if the Houſes are above Him, He hath no right of Empire upon them, becauſe *inferior in ſuperiorem non habet imperium*, but this is falſe, for they are ſubject by Law to His commands; when he bids them come, they are bound to come; and when He bids them goe, they are bound to go; that is, when He calls them by his Writ, they ought to attend *præſcriptis die & loco*, and he prorogues the aſſembly, or

or diſſolves it when he thinks fitting. It is no prejudice to this right, that he was graciouſly pleaſed to reſtraine the exerciſe of it in this preſent Parliament without their conſent, to the end thoſe vaſt debts which were brought upon this Kingdome might be diſcharged, and in order to that, good ſecurity might be given to ſuch perſons as were willing to ingage their eſtates, for the benefit of the Common-wealth. I will make no advantage by urging their abuſe of truſt, by which they were enabled to take off that great burthen, which they have made infinitely more heavy, and whereas they might in ſhort time have eaſed this State, our debts hourely grow upon us, and the Subjects eſtates are but the fuell to feed that fire which ſenſibly conſumes this unhappy Nation. Notwithſtanding, they have deceived both King and people, yet His Majeſty cannot ſatisfie Himſelfe in their Logique, and ſuffer Himſelfe to bee perſwaded, he may lawfully reaſſume His right, becauſe they doe contrary to truſt. Though the perpetuity of this Parliament was never intended, and it hath beene of moſt pernicious conſequence, yet the King will not allow Himſelfe any liberty (to diſſolve it) againſt law, upon moſt reall good intentions. Becauſe the preſident is full of danger, and though in the preſent caſe it would be uſed for the benefit of His people, yet hereafter, it probably might be abuſed to their greater diſadvantage.

Secondly, the diviſion of all perſons in this Land is into King and Subjects, liege Lord and liege People, and therefore they muſt bee placed in the latter ranke. It is a ſtrange phanſie to abſtract the body politique from all the particulars whereof it is compacted, and to ſalve the Oath of Alleagiance, by telling us *the univerſe or body politique never ſwore alleagiance or ſupremacy to the King, neither is it poſſible it ſhould. Reply to anſwer to the obſervations, pag.* 17. and again, *pag.* 18. (in anſwer to the 24. *Hen.* 8. *cap.* 12. The King is ſupreame head, unto whom a body politique compact of all ſorts and degrees of peopleare bondmen and owe next to God a naturall and humble obedience) *we muſt not underſtand this, that the body politique doth owe obedience, but that the ſeverall ſorts and degrees of people, of which this body is compacted and made, that they doe owe*

obedience

obedience, for to take it otherwise, were to make an absurd and impossible construction. &c. If every particular man performe his duty of alleagiance as he stands obliged by oath, let him oppose his metaphisicall body to the King even as he pleases If *the body politique have not sworne alleagiance or supremacy, because it is a body only in consideration of law, that hath neither life or motion, like other invidualls* p. 17. and for the same reason *doth not owe homage and obedience* p. 18. How is it capable of rebelling against the Head? for it cannot fight but by the hands of particular men, and all these are tyed up by divine law, and their owne oathes.

2. They acknowledge themselves his subjects as united in Parliament; and if they should deny it, they could not challenge any benefit from his royall protection.

4. The lawes intrust him, not the Houses to protect us.

5. The Houses represent onely subjects opposed to the King, who is their superiour by humane and consequently divine law, both as their naturall King and as Gods anoynted, his representative.

6. There is a great difference between the reall and representative all; for though it were true, (as it is not) that he were lesse then the whole people, yet this would not bring the conclusion home to the Houses. Who are the people onely to such purposes as the law nominates, *viz.* for consenting to Lawes or Taxes upon the subject. To all other purposes (wherein Regall power is not expressly limited) the King is the whole people, and what he doth is legally their Act. *Aristotle* tells us of some Kings, that had as full right over their whole realme, as a popular state can have over it selfe, and all things belonging thereto 3. pol. 14. To such an one that of the Tragædian is truely and properly applyed.

Σὺ γὰρ πόλις, σὺ δ' ἥλιος,
Πρύτανις ἀκλαὴς ὤν.

You are the whole City, the whole Common-wealth, and therefore not responsible for any actions. This shewes the falsehood of their principles, *Quicquid efficit tale, est magis tale*, and *constituens est major constituto, &c.* for though they meane

to make advantage of them onely in this Kingdome, yet they conclude against the possibility of making any King absolute, which reason and experience have clearely confuted. For a people if conquered, (their lives and all they have being then in the hand of the victor) or if in feare to be swallowed up by a more potent enemy, they may and often have very prudently consented to place all the legall power of the Kingdome in one man, that hee may thereby bee enabled to protect them, and where the legislative power is unrestrained, there the rule is absolute.

To apply this doctrine; In those things wherein the King of *England* is not absolute, as in the exercise of his legislative power, and raising money without consent. The Houses together with him, represent the people; but in such matters, wherein he is absolute, (that is, wherein he is not restrained by lawes which are but limitations of Regall power) there he is *Populus Anglicanus*, legally *the English Nation*. For example sake, I will instance in the power of making Warre and Peace, if any take up Armes by vertue of any other then his Commission, they oppose not the King alone, but the *King* and *People*, as *People* is to be understood in law, for their hands are tyed up, and all their legall strength is in the Kings disposall.

Let us examine their Argument, *The whole people are above their King, therefore the Houses, because they represent them.*

The Antecedent I have shewed false, because the whole people are but such a number of Subjects, who can have no colour of pretence to be above him, whom God and the law hath placed over them.

The consequence is as infirme, and the reason of it fallacious, for if representatives might challenge all rights appertaining to the persons by them represented, then a Jury shall be concluded as honourable as the House of Commons, and then too because the Emperour of *Germany*, may challenge of the King of *France* or *England* (not superiority, for they are as supreame and independent Princes, as he is, but) precedence, (an honour due to the antiquity of the Empire, for nations as well as persons injoy the benefit of *primo geniture*) his ambassadours also might sit above

bove those Kings, which the Court of honour guided by the law of nations, and reason would pronounce very absurd.

Againe they represent the people onely to some purposes: to make warre is none of them; The King alone can declare the peoples mind in this case, they have no legall way of expressing themselves but in his Commissions, and therefore the warre is not between King and People, but so many particular persons exceeding the trust committed to them against the duty of allegiance, oppose both King and People. It is very remarkeable, that in the beginning of these unhappy contrivances, some multitudes appearing in tumultuous wayes, what ever they desired or did was called the Act of the People; providing for their own safety. But after the sense of miseries had bettered their understandings, to make them discerne, this unnaturall warre was not like to improve the meanes of preservation, many of them make a Covenant to live peaceably and honestly amongst themselves, so in *Yorkeshire* long since, and lately between *Cornwall* and *Devonshire*, and now the Houses interpose, and will not permit the people who were stirred up and encouraged to raise a warre against law, to make a peace according to law; let them trouble the waters as much as they please, they shall bee borne out in it; but they must not thinke of setling them, till they have done fishing; This would be a breach of Priviledge. The People are now forced to defend themselves, and their goods violently taken from them, for their security; who might soone be happy againe, if their friends would bee lesse carefull of their safety. It is well knowne who began to appeale to the People; withall my heart (if law must be suspended) let them arbitrate the differences. The certaine way to know their judgement, and whom they apprehend to bee a reall defender of what both pretend, our lawes and propertie, and liberty, and the established Religion, is to cease plundering of both sides, and leave them to their naturall inclination. That side which confesses it cannot subsist without using violence and oppression, and forcing their estates from them, acknowledges that the people, whom they pretend to fight for, is clearly against them, and they have small reason to challenge a priviledge of breaking all

Lawes, by vertue of that *paramount Law*, *populi salus*, when all their unwarrantable courses ventured on in order to the safety of the people, doe manifestly conduce (even the People being Judges, and repenting their former folly) to the poverty, slavery, and ruine of all.

It remaines, I lay downe my promised conclusion of the whole, that notwithstanding such a power of resistance, as they or any others have yet openly pleaded for, should bee granted lawfull (as when in their own defence, or when hee that hath the highest authority, and is bound by the Law of God and his own Promise or Oath, to administer justice equally, after frequent representations of their grievances, and most just complaints of their great sufferings affords no redresse) yet this can be no justification of the present warre against the King, nor acquit the Actors in it from being rebels; Because this case is evidently not now.

The Armes taken up against the King, were not (as is pretended) defensive, nor in maintenance of any thing which the Subject can challenge as of right.

This warre offensive of the Subjects part.

If wee call to minde that unhappy time, when His Majesty (forced to preserve himselfe by flying the City, that he might be free at least by absence, from the scornes and dangers of unreprehended, I will not say, encouraged tumults) was immediately accused to have rebelled against himselfe, and was furnished with an Army by *Vote*, when hee had not so much meanes left him, as could honestly feed his family, and it was *Ordered* that this formidable Hoast should bee apprehended by the ordinary Ministers of justice in that County; if our memories will but render a faithfull accompt of this contempt, harder to be digested them the former popular fury, wee may perceive their behaviour towards him, was a sufficient confutation of their feares of Him. They told the people, they were afraid of His power, and yet answered their own jealousies by shewing to the world, they were able to take it from Him; Hee was so farre from being in a condition to invade their rights, Hee had not wherewith to defend His owne. His inability to revenge indignities was so notorious, they durst bee even wanton in a-

At Kingston upon Thames.

busing

busing Him. When Hee wooed them in that gracious Message from *Windsor*, His yeelding so much did but tempt them to use greater rigour. Nothing would satisfie, unlesse He would make their *votes* the measure of His obedience; for what priviledge had they above private Counsellors, if their advice should not sway with Him more then reason? when Hee requested them onely to make knowne what was wanting to the Kingdomes happinesse, and Hee would cheerefully supply it, they think it losse of time to represent particular defects, but put him into such a way as will effect it, to bee guided in all things as they shall direct, that is, to let them manage His Royall power, who knew better how to governe. Because Hee will not submit to their blanke desires, by confessing His *Vote* to be legally involved in their *Orders*, nor resigne up that power which the law hath intrusted Him with, and which cannot bee separated from the Crowne without dissolution of this government, and therefore Hee is obliged both in justice and honour to preserve it as the necessary meanes, whereby He is inabled to protect His people; Because, I say, Hee will still be King, and not part with those Rights which God and the Law gives Him, they will dispense with their duty of being Subjects, and challenge a priviledge to take away those Rights, which Hee will not, when petitioned fairely deliver. After this, Hee retires to *Yorke*, onely desirous to live safely, and contented to suffer such an eclypse of glory, till such time as the abused people should recover their understandings, and these clouds should bee dispelled by a cleare apprehension of His innocence, and undeserved sufferings. Thither the storme pursues him, His Rents are stopped, that He might become a burthen to the Northerne people, and that they might bee tempted to part with Him, with as much cheerefulnesse, as they would be rid of the poore of their County. Commissioners were pickt out, and sent amongst them to incense the leste knowing, and to awe the more honest party, from receiving their naked Soveraigne into their protection. The dangers they would incurre by their perverse loyalty are laid open. They will certainly be Voted high-Malignants, and notorious Delinquents, if they frustrate the *pretended Parlia-*

ments injuſtice by their charity; for to what purpoſe did they take his revenues from him, if others ſhould be allowed to give Him ſufficient wherewith to cloth and feed Himſelfe. Though ſuch order was taken, by ſeizing His demanes, Hee ſhould not live amongſt them as a King, yet the ſweetneſſe of His private and familiar converſation with them, made Him an extreamely popular Gentleman. And therefore miſdoubting a generall defection to obedience upon tryall of ſo great goodneſſe, which increaſed with their injuries, and finding the people (not able to conceale their love of His extraordinary virtues) openly betraying an honeſt pity of their much wronged Maſter, they thought it neceſſary to give law to their feares, by uſurping His power, and exerciſing it in their oppreſſion whom unwary reſpect towards their Soveraigne had made ſuſpected for loyall Subjects. Accordingly all His Arms (and thoſe of the Kingdome beſides, leaſt the people ſhould prevent their own wrongs by a timely revenge of His) are ſeized on, and they poſſeſſe themſelves of His Forts, Caſtles, Towns, and Navy. After ſuch unparrell'd uſurpations, Regall power being invaded by private hands, a ſmall Guard of honeſt York-ſhire Gentlemen attend the King for His Perſonall ſafety, not knowing where their injuries would ſtop, for the bonds of law being once ſhaken off, their power to oppreſſe, or ruine, was as unbounded as their will; By the ſame juſtice Hee was kept out of *Hull*, they might have kept Him in what Village, what Houſe, what Priſon they pleaſed. This Guard of a much ſmaller number then they had kept together many Moneths was ſcornfully Voted an Army, and Commiſſions are illegally iſſued out to raiſe Forces to ſuppreſſe this *ſecond* Warre, made by the King upon Himſelfe. The publicke motive was feare of violence intended by His Majeſty, the private encouragement to leſſe forward Souldiers, was the Kings inability to make the leaſt oppoſition. An Army is levyed againſt Him upon publicke pretence of His ſtrength; and perſwaded to march againſt Him, upon their private aſſurance of His weakneſſe. Thouſands are liſted not to fight, but travell; and are promiſed to know nothing of warre beſides the wages, but to injoy the ſecurity and delights of a progreſſe.

After

After all this (to prevent effuſion of bloud, and theſe viſible calamities which the wild ambition of a few men, hath pull'd upon their unhappy country) He twice ſues for Peace, in thoſe moſt gracious Meſſages from *Nottingham*, with offer of ſuch large conditions, that if more ſhould be required from Him, though when conquered, the Subjects would bee looſers by it, and they would gaine that by a miſerable Warre, which will much diminiſh the happineſſe of Peace. They will not now deſcend to a Treaty with their King; they like His humility, but are not well pleaſed it was not ſhewne ſooner: onely ſome ſlender hopes are given, that their Generall ſhall have commiſſion to pardon His former unwillingneſſe to ſuffer, if He can redeeme thoſe errors which have put them to expence and trouble, by a conſtant tameneſſe for the future. From *Nottingham* he flyes to *Shrewsbury* (for they are contented to give Him line enough, being confident they can ſtrike Him when they pleaſe;) in the meane time, 'tis good ſport to ſee Him wearying Himſelfe with fruitleſſe indeavours to eſcape, when at laſt being tyred with long and vaine ſtrivings, He muſt be forced to deliver Himſelfe quietly into their hands.

Thus was hee accuſed to be the aſſaulter, who was ſo long time unable to reſiſt their violence. *Ei fuit ſaluti, quòd vedebatur certò periturus*, his apparent weakneſſe did deliver him from that power which was ready to ſwallow him up; they had then deſtroyed him, if they had not beene more wanton, then conſcientious.

This narration is abundantly ſufficient to prove the warre to be defenſive of the Kings part. But I will examine it further by the rules of Juſtice.

Albericus Gentilis defines warre very accurately (preſuppoſing the lawes of ſociety, and excluding private Duells) *publicorum armorum juſtam contentionem*, a juſt diſpute of differences by publique ſwords, *l.* 1. *c.* 2. *de jure bel.* juſt. *negante ſenſu*, for that which is not unjuſt, and in the law notion, in reference not to the cauſes, (for this is called *pium bellum*) but the authors waging it. Wherefore he ſhewes that it cannot be but betweene independent States and Princes; Citizens or

Subjects

Subjects cannot be lawfull enemies opposed to their Prince, because they want supreame authority, without which the warre is not publique, nor can it bee justified. The reason is, because warre is onely excused by necessity, that is, when there is no legall way to end controversies by prohibiting farther appeales, as amongst distinct States, or severall Princes, who acknowledge no superior, and are not bound to submit to any Court, and may perhaps not agree upon arbitrators, because in some cases none can be named, who are uninterressed in the decision. But I will not insist upon the injustice of Subjects making warre for any cause whatever, upon the supreame power, because this was evidenced at large in the *second Section*, where I proved, that a liberty of resistance, doth destroy the nature of soveraignty or supremacy, and introduces *regnum in regno, civitatem in civitate*, by dividing the civill power, which can bee but one, if the State or Kingdome be but one.

That of *Cyprian* shall be the entrance into our inquirie, concerning the injustice of this present warre of the Subjects part (setting aside their duty of non-resistance by divine law applyed to our constitutions, and supposing an equality or independency betweene King and Subjects) for want of a reasonable cause which might excuse those great mischiefes, as being a necessary remedy to prevent greater. *Homicidium quum admittunt singuli, crimen est, virtus vocatur quum publicè geritur.* And there is some ground in reason, that shedding though the bloud but of one man should deserve an ignominious death, and to kill thousands by publique authority should make our lives glorious. Because there is as vast a difference, as betweene the guilt of murtherers, and the gallantry of men undertaking the administration of justice with personall hazard for preservation of publique right. First therefore a *jurisdiction* is required, where lawes are wanting to make use of force for recovery of right (which Subjects cannot have over their Prince) and this doth make *justum bellum*. And secondly, a sufficient cause is necessary; there must be reasonable motives, or else it cannot be *pium bellum*. Except we have εὐσεβῆ καὶ δικαίαν τοῦ πολέμου πρόφασιν, wee commit murder with the sword of justice. The method

thod of the Romans was to demand their rights in a peaceable way by their Heralds, and in case restitution was denyed, then warre was proclaimed, and the cause likewise declared, (*nec dederunt, nec solverunt, nec fecerunt, quas res dari, fieri, solvi oportuit*, as wee find in *Livi*) that the world might be satisfied in the innocence of their unwilling violence. So carefull were they to preserve their credit with mankind, whom it universally concerned, that warre should not be waged upon light and unjustifiable grounds. There must be *belli causa gravis*, a sober inducement to make the warre defensive, and if this were not wanting, reall injuries having beene offered; yet if this cause were taken away, by an after readinesse to make full satisfaction, if the offended parties would not accept of restitution, the warre was then esteemed offensive of their part, and they became guilty before God for the causelesse effusion of so much bloud, and worthily infamous amongst all good men. *Melior causa ad partem pœnitentem transibat.*

To apply briefly these unquestionable rules of justice to the present case: for I find that long reasons doe as little satisfie the common sort, as none at all, they having but narrow memories, and it being the same thing not to know, and not to remember.

I will put but one interrogatory to such as take up Armes against the King, *Why they are Rebels and Traytors; cui Bono?* (for that they are so, I appeale to the Judges of the Land, or referre them to the plaine and evident Law, 25. *Edw.* 3. Let them suppose themselves arraigned, and the Judge to aske what they can say for themselves, why sentence should not passe for their condemnation according to expresse law. Certainly they could not make a fairer plea then the *Earle of Essex*, who had not proceeded to offer violence to the Queene, and yet was adjudged a Traytor for appearing in Armes, only with intention to remove *evill Counsellors.*)

The *pretext* is, in defence of Liberty, Lawes, Property, Priviledges of Parliament and Religion.

But the *reall cause is*, the preferment of a few ambitious persons, who will not permit the Lawes to have their free and

 uninter-

uninterrupted course, the knowne security of the Subjects happineſſe, becauſe the orderly adminiſtration of juſtice doth not ſignifie, that the King will beſtow ſuch offices upon them, as their inordinate deſires aime at. He cannot doubt the truth of this, who hath read and obſerved the conditions without which they will not ſuffer peace, and to compaſſe which His Majeſty hath left no reaſonable wayes unattempted. I am confident, He hath offered ſo much to His Subjects as would content honeſt and moderate conquerours.

Lawes. Concerning *Lawes*, there ſhall not be any other meaſure of mens actions, beſides thoſe knowne rules. Neither Royall Proclamations, nor fellow Subjects Ordinances ſhall make the people miſerable under an Arbitrary ſway. Doe you deſire to be as happy as your progenitors? you ſhall. For you ſhall enjoy all the ſame lawes, by the benefits whereof they lived peaceably, plentifully, gloriouſly. And beſides this for a further improvement of your happineſſe, all thoſe new Lawes enacted this Parliament, and the ſeverall additionall favours by parting with many knowne rights, (which exceed the Act of Grace from all His Royall Anceſtors though put together) ſhall be confirmed to you.

Libertie. Doe you deſire to bee as free as your Anceſtors? you ſhall. His Majeſty paſſionately requires the Liberty of the Subject ſhould be reſtored, and will take care the people ſhall not looſe their birth-right, by being impriſoned upon his, or, (which is worſe) their fellow Subjects illegall diſpleaſure. He will contribute His utmoſt endeavours, that His owne Caſtles, the Biſhops houſes, and all other not long ſince honeſt habitations, may be diſgaoled, and the Engliſh may bee againe acquainted with the comfort of life, freedome of their perſons, and of converſation, and not be baniſhed from their Wives and children for preſuming to make the Lawes the rule of their obedience.

Property. Doe you deſire the eſtabliſhment of your Property? you ſhall have it. His Majeſty challenges no right to your eſtates, and is unwilling Subjects ſhould claime a priviledge to take them from you, onely that they may be better inabled to withhold

hold His. No pretences of unknowne dangers, or unseene necessity shall justifie the violation of Lawes, which alone can secure your inheritances.

Doe you desire Priviledges of Parliament should suffer no diminution? They shall enjoy them in as high a way, as the Subject in the freest and most happy dayes ever challenged. Priviledge of Parliament.

And lastly, that Religion which was sealed with the bloud of many holy Martyrs since the Reformation, and which stands established by Acts of Parliaments, and flourished in the purest times of Queene *Elizabeth*, which no sober man can thinke guilty of any inclination to Popery, shall bee confirmed to you by an impartiall execution of all legall penalties appointed against offenders. Religion.

Thus whatever can reasonably bee pleaded for, is cheerefully offer'd to us, and we are wooed to accept, what the contrivers of our ruine pretend is fought for, Laws, Liberty, Property, Priviledges of Parliament and Religion.

Would you have security for performance of this promised happinesse? you shall have as great as in justice you can require, or in reason expect; the same securitie with which the modesty and wisedome of former Parliaments were fully satisfied, and the Kingdome injoyed the benefits of their well grounded confidence.

And to compleat all, you shall have certaine provision for a Triennial Parliament. We are restored to such a high degree of health, as our Fathers were never acquainted with, and moreover such a course is taken to time this State Physick (it was never intended Parliaments should be our constant diet) as will probably prevent future distempers.

What fury hath robb'd men of their understandings, that they cannot be perswaded to bee happy! that their malice should increase with their calamities! that they should hate, and tear, and kill and slay one another they know not why! For upon my soule a great part of their army would not impose upon others, nor admit themselves of the Brownists, or Anabaptists Creeds; neither would they thinke this Kingdome unhappy (so they might get some honest imployment, as honourable opportunities

would not bee wanting in forraigne nations, if we had once recovered our former reputation, with that wealth and quiet wee lately injoyed) though 8 or 10 men should loose their mischiefes, and not get those offices, which they valued, above the riches, and quiet and honour of their Nation.

What one thing hath His Majestie denyed them, which hee had not full right so to do? And, *qui jure suo utitur, nemini injuriam facit*; except they can alleadge *δδυνήματα*, very considerable injuries offerd to them, and a refusall to give satisfaction, the warre is manifestly unjust on their side; wee at the worst shall fall martyrs, and they at best will live murtherers, all the bloud which hath been shed will bee brought in upon their accompt, all those rapines and sacriledges, the robbing God, and and men will lye upon their heads.

In matters of Law he hath not rejected any thing, and in matters of meere grace and favour, hee hath been bountifull above all his royall Ancestors, and so extreamely tender is he in giving all content to His two Houses, that he could not prevaile with himselfe to deny, but he reserves his assent till such time, as they can shew him some reasonable motive, whereby he may bee invited to grant.

As he hath been constant in his love and prosecution of peace, so he hath taken extraordinary paines in solliciting His Houses to cut off the unnecessary injuries of war, by laying down plunderings and other causelesse violences committed upon Estates or persons on both sides, his Royall heart bleeding even for the unavoidable pressures the people have pull'd upon themselves. His Souldiers will rule their actions by the counsell of *John* the Baptist, and be content with their wages, and cheerfully hazard their lives in defence of so honest a cause, by as honest meanes. If they are not able to pay their Army, what secret moath and canker hath consumed that vast treasure? Their want of money is a great argument of the unsearcheable judgement of God, who can make them still poore, though they take a liberty to seize the wealth of the Kingdome. O that the people would but yet consider how unlikely it is the State can thrive hereafter under such Stewards!

He

Hee that ſadly calls to minde the height of happineſſe from which we are lately falne, all paſt grievances being fully remedyed, and future preſſures probably prevented, and conſiders how often His Majeſty hath intreated, importuned us to accept againe of that bleſſed condition, may well wonder, that our calamities ſhould yet continue, that they ſhould hourely grow upon us. I would willingly baniſh from my thoughts thoſe melancholly obſervations of Hiſtorians, *Quos Deus vult perdere, prius dementes facit*, and *Quorum fortunam Deus mutare conſtituit, conſilia corrumpit.* But they have ſo ſtrongly poſſeſt my fancy, that I am almoſt tempted to feare ſuch a generall loſſe of mens reaſon, is but the fatall forerunner of an univerſall deſtruction.

Our condition ſtands thus; though the King hath not yet, nor ever will hereafter deny any thing of right, (thoſe deſires which are regulated by lawes ſhall bee no ſooner preſented to Him, then granted) and though he hath indulged extreamely much of favour (more then our Fathers had the boldneſſe to crave) nevertheleſſe wee cannot prevaile with our ſelves to injoy ſo great bleſſings, unleſſe Hee will conſent likewiſe to their other requeſts, ſome of which He may thinke He is obliged not to paſſe in Juſtice, there being no light motives to induce Him to beleeve, He hath ſworne againſt it, at His Coronation; and ſome, He cannot grant with Honour, and without betraying that truſt committed to Him by God and the Law for the benefit and protection of His people.

Hee is deſired to ſigne the Bill for abolition of Epiſcopacy (that which acquainted this Land with Chriſtianity) and to diminiſh the Rights of the Church, and take away Eccleſiaſticall revenues, that hereafter He may be remembred in Story, as the unfortunate Inſtrument to pull downe, what the charity of many ages hath been building, and to deſtroy many pious Monuments and glorious teſtimonies of our forefathers Chriſtianity, and to ruine what the devotion of our godly Anceſtors hath contributed for the encouragement of learning and advancement of Religion.

To ſay nothing to the politicke part, how the Eccleſiaſticall

and Civill State are so interwoven, that the foundation of the whole may thereby bee shaken, and how there are very good reasons to suspect a Presbyteriall Government will prove extreamely prejudiciall to Monarchy; I shall speake onely to the Religion of this request. And first, I would willingly know, whether there bee such a sinne, as we have hitherto used to call Sacriledge (so severely punished upon the Heathens, the violation of things dedicated to false Deities, being notoriously revenged by the true God, and so extreamly abhorr'd by all good Christians in former ages) and then, whether Magistrates have any dispensation to commit Sacriledge innocently, by which private men incurre a lasting infamie, and eternall damnation.

Secondly, I would willingly be satisfied in this *Quære*, whether the King having sworne to preserve the Rights and Immunities of the Church intire, can innocently consent (supposing Him fully informed in the nature of that right which belongs to His Clergy, for the most religious Prince may bee subject to mistake) to lessen or abrogate them, except released by the consent of that Body, to whom Hee is obliged? This poynt rightly stated (I shall onely offer it to be seriously meditated on, without any peremptory determination) may confirme, the Lands of the Church for the future to the great improvement of our civill happinesse. For (besides that wee might reasonably promise to our selves a blessing from the Almighty, if wee shew our selves as carefull, to settle those Rights which tend to the advancement of his worship by a firme establishment of a certaine and honourable maintenance for his more immediate servants, as wee are justly sollicitous to secure our secular interest, by making provision, that no mans Rights shall bee alienated without the owners consents) a great temptation, and that which seemes to have the strongest influence in all attempts of innovation, would thereby bee cut off, the hopes of repairing their decayed fortunes with the spoyles of the Church. We shall finde in stories, that most of those stormes which disturbed former calmes, and by which this Kingdome sundry times hath been miserably shaken, were raised onely with inten-

tention to sinke the Church by such as promised to themselves considerable shares in the wreck.

Some answer; He is equally sworne to the observation of Lawes, but these He may alter, with advice of both Houses. Thus one, *I doe not conceive Him more bound to defend them by His Oath, then the rest of the Lawes enacted, any of which when the Kingdome desires should be abrogated, I hope is done without perjury.* That which is commonly called the Lawyers *Answer to Dr. Ferne.* p. 31. This doth by no meanes take off my scruple, because His Oath to defend the Lawes enacted, is made *populo Anglicano*, to His people, and so (as all other promises by consent of the parties to whom a right was transferred) may be, and really is forgiven by them represented in Parliament to that purpose. But this other Oath is made to such a part of His people, *Clero Anglicano*, and particularly taken by him after His Oath to the whole Realme, which were needlesse, except it meant some other obligation. This seemes to prove it a distinct Oath, and not releasable without their consent. Upon the same grounds that these Rights are pleaded voyd, if Voted downe, notwithstanding they to whom they belonged, expresse not their will to part with them, the strongest security *England* can give is weakned and discredited, that is the ingagement of the Kingdome to repay such summes by consent of King, and Lords, and Commons, which and which only is publique Faith. In such a case, can the City be Voted payd, except they willingly release the debt? if they should be told, their rights are not stronger then lawes, but these are made null at the desire of the Kingdome in Parliament, they would soone apprehend their logique to be extreamely faultie, and it is probable they would maintaine, that the representative Kingdome in Parliament cannot dispense with the Kings obligation to a particular body of His Subjects, in whom alone the power of releasement doth lye.

He is desired to nominate such Officers to manage the great affaires of state, as they shall confide in; that is to yeeld up His undoubted right, happily enjoyed by all His Royall Progenitors, into their disposall, and to determine His choice by arbitrary,

bitrary feares. If they will confide in thoſe, whom the laws doe not diſtruſt, the King hath ſatisfied even this requeſt, for he will not preferre any againſt whom they can bring juſt and legall exceptions. But hee thinks it no good argument to induce him to turne able honeſt Miniſters (who may challenge from His accuſtomed goodneſſe that priviledge of *quàm diu ſe bene geſſerint*) meerly becauſe others deſire to have their places. They themſelves would conceive it very hard uſage to be put out againe upon the ſame title, when no legall exceptions were produced againſt them, and therefore they preſſe His Majeſty to ſecure them (when once in) by law, and yet will not permit Him to be ruled by their advice out of equity, and to continue His favours to thoſe men, who by a faithfull diſcharge of their places, have ſhewed themſelves worthy of that truſt; if it will be reaſonable then, it is ſo now, to encourage faithfull ſervants by making their owne offences onely, and not other mens *feares*, the rule by which they ſhall ſuffer. *Nemo illis ſe timere permiſit.* They might as well tell the world in plaine Engliſh (but that advantages are ſtill made of the peoples blindneſſe) *except the King will grant ſuch preferments to us and our favorites* (for let Him nominate whom hee will, they will never confide, unleſſe He guide His nomination by their inſtructions, who are to approve them, and the truth is, when they have gained one, He hath reaſon to requeſt them to take the other, for they will ſave him the trouble of naming in vaine, and He may thereby conceale His hurtfull affection, and not expoſe His beſt friends to diſhonourable repulſes) *except we may be Patrons* (they would once have beene contented to be onely the preſent Incumbents, and ſuffer Him to retaine the right to beſtow them freely for the future time) *we ſhall never indure peace, and yet wee muſt be forced to caſt the envy of ſo miſerable a warre upon him.*

All underſtanding and diſ-intereſſed perſons muſt clearely diſcerne, it is the ſame injuſtice, not to conſent, the people ſhould be happy, and to keepe up thoſe publique calamities, untill they ſhall be ſatisfied in their illegall, unreaſonable propoſalls. Though it be a more politique way, *duris conditionibus*

pacem

pacem pati velle, to expresse a desire of peace, but not to admit it but upon unequitable and unjust conditions, yet it is equally dishoneſt, as to deny it downright. They are altogether inexcuſable, unleſſe they will make ſuch propoſals, whereby it may appeare, they covet not anothers, but only to preſerve their owne rights. Which the King freely offers to them without diminution of the leaſt title, and with unpreſidented enlargements by many additionall favours in this preſent Parliament.

He is deſired to make the Houſes ſharers with him in ordering the *Militia*, and to grant them a right to ſuppreſſe all forces but ſuch as ſhall be raiſed by their conſent.

This requeſt is evidently deſtructive of that fundamentall Law, which intruſts this power in the Crowne alone to enable the King to protect His Subjects and the Lawes. The benefits of which conſtitution our happy Anceſtors enjoyed, and the greateſt preſſures the Engliſh nation at any time ſuffered under, did ſpring from this fountaine, when Subjects undertooke the managery of this regall right.

Becauſe their deſire is diſcountenanced by Law (and being ſo though it were as really beneficiall, as it is truely pernicious to the peace and quiet of a State, opening a gap to civill diſſentions, neceſſarily ariſing from the oppoſite intereſts of conſorts in power; though it might bee reaſonably wiſhed, yet it cannot bee innocently fought for) They endeavour to juſtifie it by reaſon of State, and plead the neceſſity of it, as being the onely cure of *feares* and *jealouſies*.

The recovery of this Kingdome were certainly deſperate, if His Majeſty too ſhould grow fearefull and jealous, who hath been more unanſwerably tempted to give admittance to theſe unhappy paſſions. For if they might ſeize on his power by the Law of feares, if that it is taken from him, becomes a motive to perſwade him to give them right to keep it, might not hee with greater ſhew of reaſon, require an inlargement of his former power, becauſe it is manifeſt (though they pretended to bee afraid of it) it was not able to ſecure him from their violence. Much more might be pleaded, why hee ſhould be enabled to keep, what the Law gives him; then they, not to reſtore what

they have illegally taken from him. But hee contents himselfe with the ordinary meanes of safety appointed by Law, and will not make himselfe justly formidable, by giving entertainement to unjust feares, and challenging a priviledge to doe injuries, because it is not impossible, he may suffer them, and may loose his owne rights, except he disable others by invading theirs. If this principle should once prevaile, peace and justice were lost to mankinde; for it would still be some bodies turne to be afraid, and that would give them a right to greater power, which right would cease as soone as they were possest of it, and the true title to power would alwayes bee in those who wanted it. There is no other way to get out of this maze and confusion, to which their wilde fears inavoidably betray a State, but by prevailing with our reason, not to suspect those whom the Lawes have not suspected. For as jealousies against Law are causelesse, so they are altogether remedilesse. *The fuller answer to Doctor Ferne*, endeavours to excuse them by vertue of a commission from this principle, *abundans cautela non nocet*, but woefull experience hath evidenced the contrary; he tells us further, *State jealousie hath no right hand error, none on the excesse side, the more the better, p.* 27. It is much worse then private jealousie, because this is but the misery of a family, that the unhappines of a Kingdome.

To summe up all, though some have gone so farre, to indulge to Subjects a liberty to take up armes in maintenance of *old lawes*, yet no sober author can bee produced, who makes it lawfull to fight against their Soveraigne for the establishment of *new lawes*. It is not possible a strong desire of innovation should take off the guilt of so unnaturall a warre.

The King requires nothing but (what the Subject cannot deny without injustice, without perjury, and consequently, the guilt of all that bloud which is, or shall, or might be spilt,) his known legall rights, and he denyes nothing which the Subject can by Law challenge, and hath indulged so much of grace, as all ages cannot paralell, and yet is still ready to consent farther, if any reasons shall be produced to invite greater favours.

How will posterity have this example in, and blush at the unworthy story of our proceedings, who have discouraged good

Kings

Kings by these ungratefull requitalls of such eminent deservings towards his people! If we had not with our peace, and plenty; and innocence, lost our reason too, we should quickely be perswaded to accept of so great happinesse, and not perversely hazard an ignominious death, onely to make our lives miserable. How are we become beasts in our understanding, as if onely capable to suffer without any apprehension of the causes or remedies.

The result of all is; life and death are set before the people, it is in their election to be againe happy, but they choose these miserable things and are active in their owne ruine. For it will come to that, if they stop not in their wild progresse. The husbandmans store being consumed, the pastures unstocked, though we escape the sword or bullet, we shall be devoured by famine, or else perish by plagues, or fluxes, the fatall productions of unholsome dyet.

It concernes us to pray unto Almighty God that he would be pleased to restore us to our wits, for if he would make us wise, wee should soone make our selves happy, by bringing the pernicious authors of these our miseries to a legall tryall; wee should then clearely see, that the preferment of a few men ought not so to sway with us, that wee should sacrifice our Liberty and Property, and suffer the Lawes to be violated, the Protestant Religion to be dishonoured, onely in order to satisfie some particular mens ambition. That indignation of the people in *Virgil* (ingaged in a miserable warre, to gaine that with bloud and ruine, the want whereof was no diminution to their happinesse) would too well fit the *English nation*,

Scilicet ut Turno contingat Regia conjux,
Nos animæ viles, inhumata, infletáque turba
Sternamur campis!

Must wee dye like dogs; that they may live like princes! How are the *oppressed commons* concerned in those mens illegall gainings, that they should be contented to loose their estates, and lives, and soules, in prosecution of none of their owne interests? They fall unlamented, unregarded, while the contrivers of these mischiefes, sit safe, exposing others to the dangers,

grow rich, while the impoveriſhed Kingdome is ready to ſinke under the burthen of its debts, and are even wanton in our oppreſſions.

Since therefore the onely ground of this unnaturall warre is, that His Majeſty will not permit us to be leſſe happy then our Anceſtors, chooſing rather to ſuffer ſo many injuries, and to expoſe His Royall Perſon to the dangers of open hoſtility, then to wrong His Subjects and purchaſe ſafety or plenty, by making ſuch Lawes, as private intereſts would force upon Him and the Kingdome,

Since He denyes nothing but the abolition of our good old cuſtomes, which long experience hath confirmed to be extreamly beneficiall to this Nation.

Since they reject *peace*, upon pretext, it comes not accompanied with *truth*, and meane by *truth* not the Proteſtant Religion as it is ſetled in this Kingdome, and eſtabliſhed by Act of Parliament, but ſome *moveable Creed*, the Articles whereof it ſhall be their *priviledge* to abrogate, and to make it ſpeake new doctrines, according as they will ſuit beſt with their civill intereſts.

Since they fight, not for certaine and knowne Lawes, nor for a certaine and knowne Religion, that is, not to reſtore, but to take away, and which is more intollerable, that they may adde as yet they know not what,

It is evident, the reſiſtance now made is moſt offenſive of the Subjects part, and doth unavoidable incurre the Apoſtles ſentence, *damnation*.

FINIS.

54760